

Westmoreland City Council
February 11, 2021 minutes

The Westmoreland City Council met for its monthly meeting on February 11, 2021 at the Westmoreland Community Center.

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

Governing Body members absent: Councilmember Ashley Rice.

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

Others present: Garrett Nordstrom with Western Consultants; Resident, Amber Krohn 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: The following items were added to the prepared agenda:

- A supplemental Agreement with SMH Consultants
- Approval of Change Order #1 with Hamm, Inc., regarding the Rock Creek bank stabilization project
- Assurances with respect to acquisition of real property, regarding the Rock Creek bank stabilization project
- Passage of Resolution #02-21 regarding vacating of Cochrun Street Between 5th and 6th Streets
- Renewal of CMB (Cereal Malt Beverage) license for Oregon Trail Market

There being no further additions or deletions to the prepared agenda, Councilmember Purvis moved to approve the amended agenda. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Approval of the minutes of the special meeting of January 8, 2021, regular meeting of January 14, 2021 and special meeting of January 27, 2021:

There being no corrections to the above-mentioned meeting minutes, Councilmember Purvis moved to approve the minutes as written. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Approval of monthly bills: Councilmember Purvis moved to approve the payment of the monthly bills as presented. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Public Comments on non-agenda items: There were no comments from the public on non-agenda items.

Garrett Nordstrom with Western Consultants regarding KDHE (Kansas Department of Health and Environment) funding for the Rock Creek Bank Stabilization project:

Mr. Nordstrom stated that there had been some miscommunication with NCRS-USDA (National Resources Conservation Services-United States Department of Agriculture) regarding the bid award and contract with Hamm, Inc., on the Rock Creek Bank Stabilization project. He stated he was getting paperwork together for the KDHE application in the summer of 2020, but NCRS representatives would not return his phone calls and emails. Finally, he heard from them but it was after the bid award and signed contract with Hamm, Inc. The KDHE loan was not executed at that time, however, Mr. Nordstrom has been in conversations with KDHE and they've approved the change order (to be approved later in the meeting) and Mr. Nordstrom was very confident that they will also approve the loan application in the next few days.

Mr. Nordstrom suggested the council approve the change order with Hamm, Inc. He stated that the original contract with Hamm, Inc., did not have specific language in it that KDHE requires such as the Davis Bacon Wage Rate provisions, language on lobbying, provisions for equal opportunity, etc. There would be no price increase to the city with this change order. He stated that there may be another change order coming due to Hamm, Inc., not paying the going rate for some of their workers as stated in the Davis Bacon Wage Rate provisions. He speculated that the cost of the change order may be between \$2,000 to \$3,000.

Councilmembers Rosell and Purvis each asked Mr. Nordstrom whose fault it was that the paperwork was not in order to begin with. Mr. Nordstrom stated that due to NCRS pushing the project through and not providing the requested information to him that the procedures were basically done in the incorrect order. He also stated that NCRS knows the requirements of KDHE loan applications and didn't know why they were in such a hurry to get the project started and finished.

Councilmember Rosell asked what would happen if KDHE didn't approve the city's application for funding. Mr. Nordstrom replied that the city would have to find other sources for the funding, but he didn't feel as if this would be an issue due to his conversations with KDHE.

Councilmember Rosell stated he felt the city should wait and see if the funding from KDHE was approved before going forward with finding funding from other sources, but he asked Mr. Nordstrom to do some research just in case.

Councilmember Jack moved to approve change order #1 with Hamm, Inc. Councilmember Rosell seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Councilmember Rosell moved to approve the supplemental agreement with SMH Consultants as presented. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

There being no further discussion or questions with Mr. Nordstrom, he thanked the council and exited the meeting at 7:17 PM.

Discussion on abandoned/vacant houses-assessing fees for water service still connected:

Councilmember Rosell requested to table this discussion until the June 10, 2021 council meeting. The council agreed to this request.

Passage of Resolution #01-21:

Councilmember Rosell inquired as to where this resolution came from. City Clerk Zentner stated that it was required every year, that the council has approved the passage of the resolution each year, that it states that the city does not have enough debt for a comprehensive audit to be done and the auditors (VonFeldt, Bauer and VonFeldt) also requires the passage every year as part of their audit.

Councilmember Purvis moved to approve the passage of Resolution #01-21 as presented. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Passage of Ordinance #578-annexing the city cemetery into the city limits:

Councilmember Purvis moved the approve Ordinance #578 as written. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Councilmember Purvis asked where the city was with the surveying of the additional land at the cemetery. Maintenance Supervisor Krohn stated that he had spoken with Terry Force of Force Land Surveying regarding this issue being a priority. He also stated that the adjacent landowner would like to negotiate reimbursement for the fence replacement.

Discussion on changing the date of the November 11, 2021 council meeting due to it falling on Veteran's Day:

Councilmember Smith moved to move the November 11, 2021 council meeting to November 10, 2021. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Request for Rock Creek After Prom:

Councilmember Purvis moved to donate a family pool pass for the 2021 pool season to the Rock Creek After Prom event. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Amber Krohn:

Ms. Krohn informed the council that she is still interested in continuing as the pool manager for the 2021 pool season.

Councilmember Jack moved to hire Ms. Krohn for the 2021 pool season as pool manager. Councilmember Purvis seconded the motion.

Councilmember Purvis asked if the city had to advertise for the position. Councilmember Jack stated that the city hasn't in the past. Councilmember Rosell echoed Councilmember Jack's comment. Councilmember Purvis stated he just didn't want the hiring and non-advertising to become an issue.

There being no further discussion, the motion was put to a vote and passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Ms. Krohn stated she would like to contact Tammy Howland for training the lifeguards that need re-certification or certification and would get with Councilmember Rice for the contact information.

Councilmember Purvis asked if want ads had been placed in the paper. City Clerk Zentner replied that they had been place for assistant manager and lifeguard applications as was requested by the council at the January 14, 2021 meeting.

Resolution #02-21, vacating of Cochrun Street between 5th and 6th Streets:

Councilmember Purvis stated that the city needed to inform the county to block off access at both ends as previously agreed to with them. Maintenance Supervisor Krohn stated that county trucks and equipment were not using Campbell Street as agreed to, either.

Councilmember Purvis asked to table the passing of Resolution #02-21 to the March 11, 2021 meeting and requesting that Mr. Newman with the county engineer's office be in attendance to discuss these issues.

Future agenda items:

Megan Campbell with the Westy Rec was asked to be invited to the March 11, 2021 meeting to discuss the items in the email she sent to the council regarding future programs as well as the summer ball program.

Renewal of CMB (Cereal Malt Beverage) license for Oregon Trail Market:

Councilmember Rosell moved to approve the CMB renewal license for the Oregon Trail Market. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Reports:

City Agent: Jeff Zimmerman stated that he had turned in violation reports to the city clerk recently.

Councilmember Purvis inquired as to the property on South Walnut stood. City Clerk Zentner reported that letters had been sent on February 9, 2021 at the last known address of the owner, but she was not very confident that the letters would be picked up due to past history.

Councilmember Purvis asked what the city would do if the letters weren't picked up. City Attorney Dierks responded that the city would then follow the ordinance.

Councilmember Rosell inquired about the property on Armer Street. Attorney Dierks responded that a bench warrant for arrest was to be executed due to the

individual being found in contempt of court for not appearing before the municipal court judge.

There being no further questions of Mr. Zimmerman, the meeting continued.

Treasurer's Report: Councilmember Purvis moved to approve the treasurer's report as given. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Treasurer Varriale reported to the council that research had been done on computers for city staff offices. She presented the computer that she and Maintenance Supervisor Krohn felt would be the best for staff. She also informed the council that the cost for Networks Plus to transfer programs and files from the present computers to the new ones would cost \$225 per hour plus \$75 for mileage. She stated that Networks Plus had been used in the past for this.

Councilmember Rosell moved to allow the purchase of three (3) computers not to exceed \$2,000 total. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

The transferring of programs and files from the present computers to the new ones was tabled for additional research on costs.

Maintenance Report:

Maintenance Supervisor reported the following:

- UTILITIES

Hamm, Inc., is continuing to work on hauling in and placing rock fill for the lagoon erosion project along Rock Creek

Completed and sent the 2020 Municipal Water Use report to KDHE

Received the 2021 1st quarter lagoon sample results for Pace Analytical and I am waiting on a revised report due to issues with the one I sent. TSS levels for the influent sample were labeled as not detected and the TSS levels for the effluent were 102 points above the permit limits. All other testing levels were below the permit limits

Replaced and sent invoice for a damaged water meter sensor at 102 State St.

- STREETS

Spread salt on streets and ice melt on city property sidewalks on 1/15/21

Cleared snow off of and spread ice melt on city property sidewalks on 1/26/21

Spread salt on streets on 1/26/21

Cleared snow off of and spread ice melt on city property sidewalks on 1/27/21

Cleared snow off of streets on 1/27/21

Hauled snow off of Main Street 1/27/21 and 1/28/21

- PARKS

James Mayhew continues to work on placing stone for the Frank Memorial Shelter fire place at the RV Park

Included a map of proposed extra parking areas at the RV Park, Dechairo Park and the pool as per last month's meeting

- BUILDINGS

REED Company delivered metal storage container to the lagoons. Sewer/water line pipe racks and storage shelving for ductile iron water main fittings and accessories were built and materials have been moved into the storage container for weather proof storage

Built storage shelves for the fire station for more storage and organization

- PLANNING AND ZONING

Sent a letter to the property owner at 307 E. Campbell, as per last month's meeting, to make them aware of the regulations, if they plan on running an automotive business out of the new

building on their property

Issued a building permit for an accessory use building, under 150 square feet, at 312 Quail Drive

Issued a demolition permit for a house at 510 Armer.

Councilmember Rosell asked Krohn if he had costs for the extra parking as indicated on the map. Krohn responded he wasn't for sure, but felt it would be approximately \$5,000 to \$8,000 for the rock. Councilmember Rosell asked Krohn to bring back the cost per location for the rock. He also felt that the additional parking areas should be done in phases starting with near the Frank Memorial Shelter at the RV Park and Dechairo Park.

Krohn also mentioned that several cars on Main Street had not been moved for snow removal from the recent snow. A few sidewalks in the business area of Main Street had been cleared. Councilmember Jack asked Krohn to send letters to the businesses regarding the sidewalks and any business or resident that did not move their vehicles for snow removal.

City Clerk: The city clerk had nothing more to report.

(Cale Prater exited the meeting at 7:45 PM).

Streets: Councilmember Rosell had nothing more to report.

Utilities: Councilmember Jack had nothing more to report, however, Supervisor Krohn reported that one (1) meter had frozen recently as the insulator had fallen off. He thawed the meter out and replaced the insulator.

Animal Control: Councilmember Smith had nothing to report.

Planning and Zoning: Councilmember Smith had nothing to report, however, Clerk Zentner informed the council that there would be a public hearing at the March 11, 2021 council meeting in regards to vacating of the alley at the Menninger property and that she had received a phone call from an adjacent landowner that did not consent to the alley being vacated. The landowner stated that the alley was the only access to the land to the south and if the alley was vacated there would be no access to the land.

Councilmember Rosell stated that this would need to be brought up by the adjacent landowner at the public hearing.

Pool: Due to the absence of Councilmember Rice, there was nothing to report.

Cemetery: Councilmember Purvis had nothing more to report, however, Supervisor Krohn stated that Terry Force, with Force Land Surveying, would be working on correcting the map for the newer sections of the cemetery that were not mapped correctly originally.

Councilmember Purvis asked if the issue of a lot in the original part of the cemetery had been resolved. Clerk Zentner replied that it had and the patron signed the corrected document, dated it and sent it back.

Fire Department: Councilmember Jack had nothing to report.

Parks: Councilmember Purvis had nothing more to report.

Councilmember Jack said he would like the council to look into doing something with the old track. Councilmember Rosell agreed especially in light of the Westy Rec wanting to expand on activities.

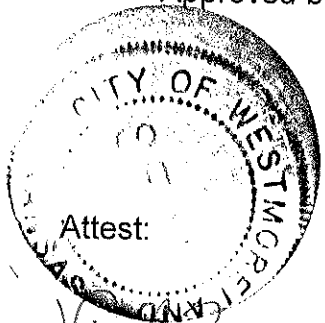
Mayor: Mayor Goodenow had nothing to report.

City Attorney: Attorney Dierks had nothing more to report.

There being no further business brought before the council, Councilmember Smith moved to adjourn the meeting. Councilmember Smith moved to adjourn the meeting. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Mayor Goodenow declared the meeting adjourned at 8:00 PM.

Approved by the Governing Body on March 11, 2021.



Attest:

Vicki B. Zentner

Vicki B. Zentner, City Clerk

Mark A. Goodenow
Mark A. Goodenow, Mayor