

Westmoreland City Council Meeting
April 11, 2019 minutes

The Westmoreland City Council met for its regular monthly meeting on April 11, 2019 at the Westmoreland Community Center.

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

Governing Body member absent: Councilmember Ashley Rice.

City staff present: Maintenance Supervisor, Robert Krohn; City Attorney, John Watt; City Treasurer, Teri Varriale; City Agent, Jeff Zimmerman and City Clerk, Vicki Zentner.

Others present: Brett Waggoner with Governmental Assistance Services (GAS); Gary and Vicky Baxter, Keven and Jaime Goforth, residents and Cale Prater, reporter with The Wamego Times.

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

Additions/Deletions to agenda:

Councilmember Moore requested the addition of a discussion regarding the Westy Community Care Home parking lot to the agenda.

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

Approval of minutes:

Councilmember Purvis moved to approve the minutes of the March 14, 2019 regular meeting as amended and the minutes of the March 18, 2019 special meeting as presented. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Payment of monthly bills:

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

Public Comments:

There were no public comments on non-agenda items.

Public hearing for the closing of the wastewater improvements grant with the Department of Commerce:

Mayor Goodenow opened the public hearing for any comments from the public in attendance. There being no comments, Mayor Goodenow closed the public hearing and turned the subject over to Brett Waggoner, representative from GAS.

Mr. Waggoner stated that he had recently joined GAS as a partner and was in attendance to finalize the paperwork and the final request of releasing final funds from CDBG for the project.

Councilmember Jack moved to authorize the Mayor and City Clerk to sign the request for final payment of release of funds from CDBG for the wastewater improvements. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Councilmember Jack moved to submit the grantees release form confirming the receipt of \$356,375.86 in funds for the wastewater improvements project from CDBG. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Councilmember Jack moved to authorize the Mayor to sign the sewer improvements certificate of completion. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Councilmember Jack moved to authorize the Mayor to sign the notice of completion for the wastewater improvements project. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Mr. Waggoner wanted to emphasize that the city clerk had provided all required and requested paperwork and forms to the Department of Commerce for the grant and that the staff at the Department of Commerce would not admit that one of the items requested had “fallen through the cracks”. He assured the council that the issue would not have any effect on future project applications submitted by the city as stated in the letter that was received from the Department of Commerce.

Mr. Waggoner reminded the council that GAS was still willing to submit an application for park improvements that the city had already paid GAS for, but it had not been approved previously.

There being no further discussion with Mr. Waggoner, he exited the meeting at 7:15 PM.

Gary Baxter-discussion on Wilmer and Lisa Allen's properties:

Mr. Baxter addressed the council regarding the cleaning up of Wilmer Allen's and Lisa Allen's properties. He stated that he felt since Ms. Allen's son had been the person that brought in the debris, that he should be the one that would be responsible for cleaning the properties up and not Wilmer or Lisa.

Attorney Watt stated a notice and order had been sent to both Wilmer and Lisa. In the meantime, Mr. Baxter has been helping both Wilmer and Lisa out by cleaning up the debris. He stated that there were questions regarding the abandoned vehicles on the properties that belonged to a different party. He stated that the law has changed regarding the need of a certificate of title to the vehicles in order for junk yards to take the vehicles. Mr. Baxter knew of someone that might take them, however.

More discussion was held on the properties and as a result of legal advice, Councilmember Moore moved to authorize the city attorney to write a letter to both Wilmer and Lisa Allen stating that if the son comes back to their home, they would need to make sure that he does not bring junk and trash onto their properties and the ramifications if it does. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

The council thanked Mr. Baxter for everything he was doing to clean up the properties.

Donation requests from Wheaton Lutheran Church and Westy Care Home:

City Clerk Zentner informed the council that she had received requests from the Wheaton Lutheran Church youth group as well as the Westy Care Home for donations from the city. The Lutheran Church youth group was asking for a pool pass for the 2019 season to be raffled off at the fundraiser for the youth group's mission trip and the Westy Care Home was asking for either plastic eggs or a monetary donation for the Easter Egg Hunt to be held on April 20, 2019.

Attorney Watt stated he was less concerned for monetary donations be given than he was for city staff time and equipment use. He felt that it wasn't prohibited or a violation of the State statutes, but if the council wished to grant these requests, they should be consistent.

Councilmember Purvis stated that the donations would be included as a violation in his interpretation of the wording of the statute and as much as he would like to grant the requests, he felt that the council shouldn't grant them.

Councilmember Moore moved to deny both requests from the Wheaton Lutheran Church youth group and the Westy Care Home for donations. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Ordinance #567 regarding enhanced beer sales:

Attorney Watt stated that he personally was not happy with some of the language in the ordinance regarding background checks to be made by the Sheriff's Department on applicants of an enhanced beer license with the city. He was not sure that the Sheriff's Department would actually perform this duty. He did state, however, that the ordinance wording had been provided by the Kansas League of Municipalities and had been adopted as is by several cities in the State.

There being no discussion on the proposed Ordinance and its requirements, Councilmember Purvis moved to approve Ordinance #567 as written and presented. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Ordinance #568 regarding penalty for non-registered dogs and new registration fee:

Attorney Watt stated that as per the council's instructions, he had amended Ordinance #433 regarding the license fee and penalty for not registering dogs within the city limits. The amended Ordinance states that all dogs will be charged a license fee of \$10.00 regardless of being fixed or not, and a penalty of \$15.00 for not registering each dog owned by April 1st of each year.

Councilmember Purvis moved to approve Ordinance #568 as presented. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

City Clerk Zentner asked the council to approve the draft letter she had prepared for the council's approval giving all dog owners that had not presently registered their dogs a grace period until May 1st to register their dogs at the current rate. The council agreed this would be acceptable.

Discussion on proposed sidewalk installation:

Mr. and Mrs. Kevin Goforth asked the council where the proposed sidewalk on Quail Drive would be located on their property.

Maintenance supervisor Krohn stated that installation of curb and guttering would need to be done and the proposed sidewalk would go between their water meter and the street.

Discussion was held and as a result, Krohn, Councilmembers Moore and Purvis will meet with Mr. and Mrs. Goforth to discuss where the sidewalk will actually be installed along their property in the near future.

(Mr. and Mrs. Goforth exited the meeting at 7:50 PM).

Scheduling of touring of city properties:

The council decided that in lieu of touring the city properties as has been done in the past, they would hold a goal setting meeting on June 6, 2019 at 6:00 PM with the public invited to attend. A notice will be placed in the city newsletter regarding this meeting.

Copier proposals:

As requested by the council, City Clerk Zentner had received two (2) proposals for a new copier at City Hall. One (1) proposal came from the current copier company, Canon, and the other from Century Business Systems. After deliberation between the two (2) proposals, Councilmember Purvis moved to enter into a 63-month lease with a maintenance fee for a total of \$174.62 per month with Century Business Systems. Councilmember Moore seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Discussion on Westy Care Home parking lot:

Councilmember Moore stated that since he was not at the special meeting of March 18, 2019, he felt that the rest of the council should re-consider the motion made regarding helping the Care Home with fixing their parking lot. He stated that there would be no financial, city equipment or staff involved in the project. He had spoken with the county regarding their participation in paving the parking lot and had been told that as long as the city owned the property, they were willing to help.

Attorney Watt informed the council that until the bonds were paid off on the property, the city owns the property.

Councilmember Moore stated that after talking with the county, Shilling has the county bid for 2019 and they will be asked to bid on the paving of the top parking lot and Pottawatomie County will work with the city on the lower parking lot.

Councilmember Purvis stated that since the city owns the property, of which he was not aware of the circumstances regarding the ownership by the city due to the bonds, he had no problem with helping the Care Home on this project.

Councilmember Moore moved to allow the city maintenance staff to supervise and help with the Westy Care Home parking lots with no or little cost to the city since the city owns the property. Councilmember Jack seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

City Agent report:

City agent, Jeff Zimmerman, stated that he was still observing certain properties and vehicles within the city that were in violation and would be preparing reports and pictures to be forwarded to the city clerk at the end of the required observation time.

Attorney Watt state that the property at 402 North was still considered to be a dangerous structure and as such, had a different legal process to be taken. He stated that the city would need to hire a contractor for his/her opinion if the structure was dangerous or not.

Councilmember Moore asked if anyone knew what was going on with the structure, that the owner had indicated that he was going to re-build it. Councilmember Jack stated the owner had informed him that the roof would be repaired.

After some brief discussion on contacting a contractor to look at the structure, Councilmember Jack moved to allow Councilmember Moore to contact Danny Stockwell to inspect the property at 402 North and tell the council if he felt it was a dangerous structure, and if Mr. Stockwell was not interested, to ask Greg Wege. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Attorney Watt also informed the council that the vehicle removed from the Herrs property that was still at the city shop grounds could not be disposed of without a title. However, maintenance supervisor informed Mr. Watt and the council that he had spoken with Wamego Salvage and they were willing to take the vehicle.

Councilmember Jack wanted it to be known that should any staff member be threatened by anyone, a report needed to be filed with the Sheriff's Department. He stated that no staff member should have to feel un-safe and there would be a paper trail should something happen in the future.

Pool Manager report:

Pool manager Amber Krohn was not in attendance, so there was no report on the pool presented.

Councilmember Purvis stated that two (2) lifeguards had recently gone through training for their WSI (Water Safety Instructor) certification.

The council also decided that the wages for the assistant pool manager would be approved by the council in the future.

City Staff reports:

Treasurer-Treasurer Varriale stated the city's Certificate of Deposit (CD) had matured and she recommended the council to re-invest in a 24-month CD with an interest rate locked in at 2.60% instead of a 12-month CD with an interest rate of 2.50%.

Councilmember Jack moved to allow the treasurer to re-invest the current 12-month CD into a 24-month CD at an interest rate of 2.60%. Councilmember Smith seconded the motion. The motion passed three (3) ayes to zero (0) nays with one (1) abstention [Councilmember Moore] and Councilmember Rice being absent.

City Clerk Zentner informed the council that the bid information regarding the new water meter replacements had not been composed yet as she was not sure of the proper wording that needed to be included nor the exact amount of the city's down payment to be included.

Councilmember Moore stated that he would assist the city clerk with the wording for the bid and that the down payment amount would be \$25,000.00.

There being no further questions or discussion on the treasurer's report, Councilmember Jack moved to approve the treasurer's report as presented. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Maintenance-Supervisor Krohn reported the following:

UTILITIES:

- Repaired water leak at the meter at 107 W. Main

STREETS:

- Patched potholes at Pine/Flush Rd. and Quail/Rock Creek Dr.
- Met with Pott. County to discuss this year's chip and seal and the patching of Campbell Street
- Put down grass seed along the new sidewalks installed last year
- Unplugged the culvert at 5th/Main due to a concrete block that was wedged inside it
- Graded gravel alleys throughout town
- Completed work order to regrade drainage ditch at 401 Skene

- Asphalt patched streets to be chip sealed-State Street cul de sac, Walnut St. (widening), Cooper Street (utility work) and Campbell Street (heavy traffic)

PARKS:

- Repaired gravel roads at the RV Park
- Completed the addition along with new picnic tables at the Dechairo Park shelter building
- Opened up the bathrooms and concession building at the ball diamond
- Opened up the RV Park bath house
- Cleaned flower beds throughout town
- Installed new picnic tables at the RV Park
- Picked up fallen tree limbs throughout town

CEMETERY:

- Repaired gravel roads
- Picked up flowers that had blown from the monuments or out of the ground throughout the winter

POOL:

- Cleaned the pool and prepped it to be power washed before filling
- Unwinterized the building and replaced hot water heater due to breaker being turned on while empty

BUILDINGS:

- Gutter replacement at the fire station due to original installation incorrect size

PLANNING AND ZONING:

- Issued two (2) building permits for separate fences at 208 W. Main
- Issued one (1) chicken permit and one (1) duck permit for 208 W. Main
- Issued a building permit for an accessory use building at 404 Redbud
- Issued a building permit for a fence at 403 Redbud

EQUIPMENT:

- 1987 Ford dump truck needs major repairs to dump bed and frame at an estimated cost of \$4,500 to \$5,000
- 2003 Ford dump truck at REED to repair rusted/seized tailgate and dump/lower cable from the salt spreader

Krohn stated that resident Terry Nelson has requested the city install a street light at the State Street cul de sac. Mr. Nelson indicated that there were several drivers that do not see that the street is closed there and they are running through the east end.

Councilmember Jack moved to allow Krohn to contact Westar for installation of a street light at the State Street cul de sac. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Councilmember Jack moved to authorize Krohn to have new guttering installed at the Fire Department to replace the guttering that is falling apart and not exceed \$2,500.00. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Councilmember Purvis moved to request bids for a lease/purchase for a 2001 Diesel dump truck at a cost of \$24,500 with the city putting \$5,000 down, and once purchased to put the 1987 dump truck on Purple Wave for sale. Councilmember Smith seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember Rice being absent.

Krohn also informed the council that he replaced some of the weed eaters with battery operated ones.

(Cale Prater exited the meeting at 8:35 PM).

Clerk report: Clerk Zentner asked the council if they would consider allowing the Flint Hills Glampers to stay at the RV Park at a reduced rate as they had in the past for the Car Show/BBQ on July 13, 2019.

Councilmember Jack moved to allow the Flint Hills Glampers to stay at the RV Park for half of the regular camping fee for the Car Show/BBQ on July 13, 2019. Councilmember Smith seconded the motion. The motion passed three (3) ayes to one (1) nay [Councilmember Purvis stating he felt that even though this had been done in the past, due to previous motions made earlier in the meeting and due to possible violation of statute, he was against it] with Councilmember Rice being absent.

Councilmember's reports:

Streets-Councilmember Moore state that he had spoken with Peter Clark and Robert Reece with Pottawatomie County regarding the possibility of the county paving Campbell Street with hot mix from North 4th Street to Highway 99 and patch, chip seal Campbell Street from North 4th Street to Scott Drive. He stated that the county also would like to widen Campbell Street from North 4th to Highway 99 on the North side.

Councilmember Purvis stated that the county needs to let the residents know the plans before it is done.

Councilmember Moore stated he would check with the county on the progress of the street work and report back to the council.

Utilities-Councilmember Jack had nothing more to report.

Animal Control-Councilmember Smith had nothing to report.

Planning and Zoning-Councilmember Smith had nothing to report.

Pool-Due to the absence of Councilmember Rice, there was no report given.

Fire Department-Councilmember Jack had nothing more to report.

Cemetery-Councilmember Purvis had nothing to report.

Parks-Councilmember Purvis had nothing to report.

Mayor-Mayor Goodenow had nothing to report.

City Attorney-Attorney Watt stated he needed clarification on the streets to be included for the snow removal Ordinance. The council stated it would include the businesses between 2nd and 4th Streets. Attorney Watt stated the ordinance would be ready for approval at the May council meeting.

There being no further business brought before the council, Councilmember Purvis moved to adjourn the meeting. Councilmember Smith 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 8:50 PM.

Approved by the Governing Body on May 9, 2019.

Signed Mark A. Goodenow
Mark A. Goodenow, Mayor

Attest:
Vicki B. Zenner
Vicki B. Zenner, City Clerk