

Westmoreland City Council  
May 9, 2019 minutes

The Westmoreland City Council met on May 9, 2019 at the Westmoreland Community Center for its regular monthly meeting.

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

City Staff present: Maintenance Supervisor, Robert Krohn; City Agent, Jeff Zimmerman; Pool Manager, Amber Krohn and City Clerk, Vicki Zentner.

City Staff absent: City Treasurer, Teri Varriale.

Others present: Judy Hinrichsen and Jenni Moore with the Rock Creek Valley Historical Society; Allan Reeves and Terry Nelson, residents; Cale Prater with The Smoke Signal and Wamego Times, and Summer Dierks, attorney.

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

*Additions to Agenda:* Councilmember Rice requested to add an executive session regarding non-elected personnel at the end of the meeting.

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 five (5) ayes to zero (0) nays.

*Approval of April 11, 2019 minutes:* Councilmember Jack moved to approve the corrected minutes of the April 11, 2019 council meeting. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Approval of the monthly bills:* Councilmember Purvis moved to approve the monthly bill payments and the corrected deposit detail after the city clerk provides the requested information to the council. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Public comments:* Judy Hinrichsen with the Rock Creek Valley Historical Society addressed the council regarding the offer from the Historical Society to deed the Hand Dug well property on Highway 99 to the city.

Mayor Goodenow stated that he felt the property, and the Hand Dug well in particular, was part of the history of the city and that the council should consider the offer from the Historical Society.

Councilmembers Jack and Smith stated they didn't have a problem with the city taking over the property. Councilmember Rice asked if there was any extra liability for the city.

Maintenance Supervisor Krohn stated that he had inspected the property early in the day and with repairing the sidewalk, the fencing, landscaping and electrical work that needed to be done to the underground sprinkler system, the estimated cost to get all of these issues up to code would be \$15,000. Mayor Goodenow commented that all of these issues didn't necessarily need to be done at the same time, in his opinion. They could be fixed in stages.

There being no further discussion, Councilmember Smith moved to accept the Hand Dug well property deeded from the Rock Creek Valley Historical Society. Councilmember Moore seconded the motion. The motion failed one (1) aye to three (3) nays and one (1) abstention (Councilmember Moore).

Resident Terry Nelson stated he had an issue with the yield and stop signs on West State Street. There had been several near misses, as well as a recent wreck, at the intersection of South Walnut and West State Street due to, in his opinion, blind spots from the trees to the north. He felt that the intersection needed to be a 4-way stop.

After some brief discussion, Councilmember Moore moved to remove the yield sign on State Street and make the intersection a 4-way stop. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Appointments:* Mayor Goodenow appointed Vicki Zentner to continue as city clerk. Councilmember Jack moved to approve the appointment of Vicki Zentner as city clerk as appointed by the Mayor. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Goodenow appointed Summer Dierks as city attorney. Councilmember Purvis moved to approve the appointment of Summer Dierks as city attorney as appointed by the Mayor. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Goodenow appointed the following:

City Treasurer-Teri Varriale  
Municipal Court Judge-Blaine Carter  
Municipal Court Clerk-Vicki Zentner  
Fire Chief-Jim Smith  
Zoning Administrator-Robert Krohn  
Official Accounting Firm-VonFeldt, Bauer & VonFeldt  
Library Committee Members-Janet Goodenow & Ashley VanGilder  
Planning and Zoning Committee Members-Tanya Purvis, Trish Frazier,  
Allan Reeves, Ashley Smith, Jeff Zimmerman and Amber Krohn

Councilmember Purvis moved to accept the appointments as appointed by the Mayor. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Goodenow appointed Farmers State Bank as the city's financial institution. Councilmember Purvis moved to accept the appointment of Farmers State Bank as the city's financial institution as appointed by the Mayor. Councilmember Jack seconded the motion. Councilmember Moore abstained from voting citing a conflict of interest. The motion passed four (4) ayes to zero (0) nays with Councilmember Moore abstaining.

(Judy Hinrichsen exited the meeting at 7:15 PM).

*Opening of bids for lease purchase of Dump Truck & Water Meter Replacement System:* City Clerk Zentner opened the bids received for the lease purchase of a replacement dump truck.

Bids for the dump truck were received as follows:

KS State Bank – interest rate 4.53% for five (5) years with total payments with interest being \$20,518.40

Kaw Valley State Bank – interest rate 4.3% for five (5) years with total payments with interest being \$20,390.09

Farmers State Bank – interest rate 3.8% for five (5) years with total payments with interest being \$20,105.37

Councilmember Jack moved to accept the low bid from Farmers State Bank as presented. Councilmember Purvis seconded the motion. Councilmember Moore

abstained due to a conflict of interest. The motion passed four (4) ayes to zero (0) nays with Councilmember Moore abstaining.

Bids for the water meter replacement system were received as follows:

KS State Bank – interest rate 4.28% for ten (10) years with total payments with interest being \$156,269.30

Kaw Valley State Bank – interest rate 4.7% for ten (10) years with total payments with interest being \$159,572.37

Farmers State Bank – interest rate 4.0% for ten (10) years with total payments with interest being \$154,141.48

Councilmember Jack moved to accept the low bid from Farmers State Bank as presented. Councilmember Purvis seconded the motion. Councilmember Moore abstained due to a conflict of interest. The motion passed four (4) ayes to zero (0) nays with Councilmember Moore abstaining.

*Conditional Use Approval for Terry Nelson-car port:* Terry Nelson asked for a variance on the requirements of a conditional use for a car port.

Zoning Administrator Krohn recommended to the council that requirements for a car port conditional use be stricken from the zoning regulations and be included in the regular building application instead.

After some brief discussion, Councilmember Purvis moved to grant the variance for Terry Nelson's car port and have the planning and zoning commission visit the issue at their next meeting. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Terry Nelson and Jenni Moore exited the meeting at 7:30 PM).

*Resolution #03-19 regarding installation of a street light:* Councilmember Jack moved to approve resolution #03-19 regarding the installation of a street light at West State Street at the end of the cul-de-sac as requested. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Ordinance # 569 regarding snow removal and penalties associated with non-compliance:* Councilmember Moore stated that he was fine with the wording in the ordinance except that he felt the costs associated with non-compliance should be included in the language of the ordinance.

After some brief discussion, the ordinance passage was tabled until the June meeting for the city attorney to include the requested fees.

*Discussion on payment of WSI (Water Safety Instructor) certification and re-certification for pool employees:* Discussion was held on the whether to pay the total amount for the WSI certification of pool employees that obtain this certification.

Councilmember Jack moved for the city to pay the entire amount for WSI certifications by employees. Councilmember Rice seconded the motion. Councilmember Purvis stated he would abstain from the vote due to a conflict of interest. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis abstaining.

Councilmember Jack moved the city pay half of the re-certification for lifeguarding this year and the other half the following year, if the guard returns in the following year. Councilmember Rice seconded the motion. Councilmember Purvis stated he would abstain from the vote due to a conflict of interest. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis abstaining.

*Allan Reeves:* Since there had been previous discussion regarding the signage on State Street, Mr. Reeves asked for clarification on the costs of his building permits. After clarification from the city clerk and zoning administrator, Mr. Reeves thanked the council.

*City Agent Report-Jeff Zimmerman:* Mr. Zimmerman stated that two (2) violation letters had been sent recently and he would be in contact with the city clerk regarding compliance. He also stated that as far as he was concerned, three (3) properties had complied with the cleaning up requirements.

Mr. Zimmerman would be submitting pictures and reports to the city clerk in the next week on properties that needed to be mowed if they had not been taken care of over the weekend.

*Pool Manager Report-Amber Krohn:* Amber asked the council for a budget for the End of School Bash for prizes and for the Westy BBQ for prizes as well.

Councilmember Moore moved to give \$250 budget for the End of School Bash for prizes and \$300 budget for the Westy BBQ for prizes. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Amber stated that the 8<sup>th</sup> grade class at Rock Creek Jr/Sr High School will be holding a pool party on May 22, 2019 and had asked permission to use the grass area

at the pool and RV Park (as long as there are not campers in the sites near the pool) for games.

Councilmember Jack moved to allow the 8<sup>th</sup> grade class to use the grass area at the pool and RV Park for games as long as there are no campers in the adjacent sites. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Amber also reported that four (4) additional pool parties had been booked at the pool, May 24<sup>th</sup>, May 26, June 9<sup>th</sup> and July 22<sup>nd</sup>.

*Future agenda items:* Councilmember Moore requested that more discussion regarding the Hand Dug Well be put on the June 13, 2019 agenda.

*Staff Reports-Treasurer:* Councilmember Moore requested that he be allowed to speak with the city auditors regarding the percentage of employee's wages being taken from the utility fund. He was concerned that with the new water meter replacement system payments, that wages would deplete the utility fund.

Councilmember Jack moved to allow Councilmember Moore speak with the city's auditors, VonFeldt, Bauer and VonFeldt regarding the utility fund. Councilmember Purvis seconded the motion. The motion passed four (4) ayes to zero (0) nays with Councilmember not voting as it involved him.

There being no further discussion regarding the treasurer's report, Councilmember Purvis moved to accept the treasurer's report as presented. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

**Maintenance:** Maintenance Supervisor Krohn reported the following:

- UTILITIES-

Completed yearly exercising of all the water valves for proper operation throughout town per KDHE (Kansas Department of Health and Environment) requirements

Second quarter lagoon sample results came back from analysis within KDHE requirements

Repaired water valve riser box that had shifted and did not allow it to be used at Quail and Skene. This was the only water valve throughout town that could not be used.

Repaired 4" water main leak between State and Skene, behind 206 S. Walnut

Scheduled 2019 water storage tank inspection and cleaning as required by KDHE, with Liquid Engineering, for \$2,900 not including any additional work needed as per contract

- STREETS-

Planted spirea bushes at the State St. cul-de-sac

Completed one (1) work order to repair driveway culvert, paid for by the property owner, at 306 Redbud

Began installing new street signs on Main. Waiting on new hardware for brackets that were rusted in order to finish the installation

- PARKS-

Mowed and trimmed

Installed four (4) new fire rings at the RV Park

Sprayed weeds

- CEMETERY-

Placed topsoil and grass seed on graves that had settled

Mowed and trimmed

Opened/closed one (1) cremation grave

Removed dead evergreen ground cover at the GAR monument and replaced with mulch

Went over new addition burial and road layout with Terry Force- everything has been laid out correctly

Repaired 1889 monument base with a new concrete base after it had fallen over due to faulty limestone base

- POOL-

Scraped the exterior paint and repainted the bath house/concession building

Power washed the pool

Filled pool and started operation of the pump/filters/heater

Ordered parts for minor repairs to the pool heater and made a temporary repair to keep it operating

Repaired large crack/leak in one of the skimmer housings due to ground movement

- BUILDINGS-

Coaltrain Guttering will be replacing and upsizing to 6" guttering at the fire station for \$2,075

- PLANNING & ZONING-

Conditional use permit for a car port at 303 State

Issued a building permit for an accessory use building at 401 S. Highway 99

Issued a building permit for an accessory use building at 203 S. 3<sup>rd</sup>

- EQUIPMENT-

REED repaired the old dump truck rusted tail gate hinges and cab dump lever

Krohn asked permission to let for bid the sidewalk projects to be placed in The Wamego Times, The Smoke Signal, and The Manhattan Mercury. Councilmember Purvis moved to allow Krohn to let for bid the sidewalk projects in the aforementioned newspapers. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Purvis moved to allow the Westy Care Home to have the city let for bid, in the aforementioned newspapers, through the city for the parking lot replacement with the Care Home reimbursing the city for all publication costs.



Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Krohn also reported that some shrubs had been planted at the cemetery that were not allowed in the cemetery rules and regulations, nor had there been any prior permission from the person(s) that planted the shrubs.

There being nothing more reported by Krohn, Councilmember Purvis moved to accept the maintenance supervisor's report as given. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Cale Prater and Allan Reeves exited the meeting at 8:03 PM).

**City Clerk:** City Clerk Zentner informed the council that she would be taking vacation June 14-22, 2019 with the city treasurer working in the office in her place.

Councilmember Moore questioned the amounts of past due accounts that had been submitted for collection to the Kansas SetOff program that the city contracts with. He stated that he felt that the time limitations had expired on these accounts that were from 2001 to date.

Zentner informed Councilmember Moore and the rest of the council, that the city contracts with the Kansas SetOff program which is part of the Kansas Department of Revenue for submitting of bad debts. The SetOff program can garnish wages as well as reduce any income tax return monies that the debtors may receive. She also stated that in the past year, the city had received payments on several accounts from 2001, 2005 and 2018 that had been collected on by the program, less the fees charged for collecting them. She stated that the city had been a part of this program since before she became the city clerk in 2006.

Zentner also explained the process that has to be taken before the accounts can be submitted to the SetOff program.

There being no further questions, Councilmember Purvis moved to approve the city clerk's report as given. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

### **City Councilmember's Reports-**

***Streets-*** Councilmember Moore stated he had met with the Pottawatomie County Engineer about a new piece of equipment the county had for paving small spaces and was impressed with it.

*Utilities*-Councilmember Jack had nothing more to report, but did mention that the replacement of water meters would be installed as time allows for staff.

*Animal Control*-Councilmember Smith had nothing to report.

*Planning & Zoning*-Councilmember Smith had nothing to report.

*Pool*-Councilmember Rice had nothing more to report. Mayor Goodenow wanted to make it clear to the pool manager that he did not want the pool to be closed the week before school starts in the fall as had been done previously.

*Fire Department*-Councilmember Jack stated that the county fire supervisor wanted a list from Chief Smith of how many additional radios the department needed so they could be added to a grant the county fire was applying for.

*Cemetery*-Councilmember Purvis had nothing to report.

*Parks*-Councilmember Purvis had nothing to report.

*Mayor*-Mayor Goodenow had nothing to report.

*City Attorney*-Summer Dierks thanked the council for giving her the opportunity to serve the city and asked that they bear with her as she learns.

*Executive Session*-Councilmember Rice moved to enter into an executive session at 8:15 PM for ten (10) minutes with the Mayor, Councilmembers, City Clerk, Maintenance Supervisor, City Attorney and Pool Manager for discussion of personnel matters of non-elected personnel and to protect their privacy. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Jeff Zimmerman exited the meeting at 8:15 PM).

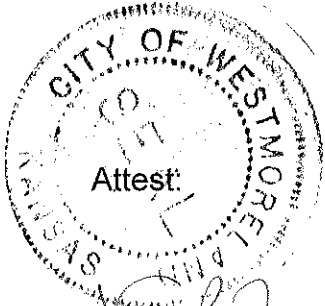
Councilmember Rice moved to exit from the executive session. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays. Mayor Goodenow declared the executive session closed and the regular meeting in at 8:22 PM.

As a result of the executive session, Councilmember Rice moved to allow the pool manager to give a \$0.25 an hour increase for one (1) lifeguard obtaining their WSI certification. Councilmember Jack seconded the motion. Councilmember Purvis abstained from the vote due to a conflict of interest. The motion passed four (4) ayes to zero (0) nays with Councilmember Purvis abstaining.

There being no further business brought before the council, Councilmember Purvis moved to adjourn the meeting. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Goodenow declared the meeting adjourned at 8:25 PM.

Approved by the Governing Body on June 13, 2019.



Signed: Mark A. Goodenow  
Mark A. Goodenow, Mayor

Vicki B. Zentner  
Vicki B. Zentner, City Clerk