

Westmoreland City Council  
January 10, 2019 minutes

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

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

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

Others present: Resident, Dorothy Campbell; Justin Kuzila with Flint Hills Regional Council 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 Rice requested to add a discussion regarding the requirements for filing for city council seats.

Councilmember Moore requested to add the following:

- Discussion on the RV Park campers
- Discussion on the Fire Department account
- Discussion regarding low water pressure
- Discussion on the purchase of a projector and screen for the Community Center
- Discussion on city staff helping the Rock Creek Valley Historical Society with items at the Historical Hand Dug Well grounds

City Clerk Zentner requested to add the signing of the engagement letters with VondFeldt, Bauer and VonFeldt (city auditors) for the city's audit.

There being no further additions or deletions to the prepared agenda, Councilmember Jack moved to approve the amended agenda as requested. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Approval of December 13, 2018 meeting:*

Councilmember Jack moved to approve the corrected minutes of the December 13, 2018 council meeting. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Approval of monthly bills:*

Councilmember Purvis moved to approve the payment of the monthly bills as presented. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Public comments on non-agenda items:*

Dorothy Campbell asked if the council had made any decision on the stop signs placement on West State Street and Walnut Street.

Councilmember Moore stated that he and Maintenance Supervisor Krohn had taken a look at the issue and their recommendation would be discussed later in meeting.

*Approval of the city's comprehensive plan:*

Justin Kuzila with Flint Hills Regional Council asked the council if they had any further questions regarding the city's comprehensive plan that had not already been addressed at the December 13, 2019 council meeting.

Councilmember Moore stated that the comprehensive plan sets goals for the council to consider working on within the next ten (10) years.

Councilmember Moore moved to adopt the city's comprehensive plan for 2018-2028 as presented and recommended by the planning and zoning commission. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mr. Kuzila exited the meeting at 7:14 PM.

*Discussion on water rate increase:*

City Clerk Zentner reminded the council that Rural Water District #4, which supplies water to the city, had informed the council that they would be raising their rates to the city twenty-five cents (\$0.25) per 1,000 gallons used and that the council would need to consider raising the rates to the city's consumers by at least the same amount in order to keep up.

Mayor Goodenow stated he felt that if the city planned to replace water meters every ten (10) years as had been proposed at the December 13, 2018 council meeting, that the council needed to incorporate the costs in the user fees in some way.

Councilmember Moore stated he thought the council should raise the rate for the water consumption from \$6.65 per thousand gallons usage to \$7.65 with \$0.25 going towards the raise from Rural Water District #4 and \$0.75 towards the replacement of water meters fund.

After some brief discussion, Councilmember Jack moved to raise the rate per thousand gallons usage of water from \$6.65 to \$7.65 and to authorize the Mayor to sign the Ordinance to be effective February 1, 2019. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

|  
|

*Opening of cemetery lots in newest addition of the city cemetery for sale:*

Mayor Goodenow stated that since there were only approximately four (4) or five (5) unsold lots in the first addition of the city cemetery left to be sold, he felt that the council should consider opening the second addition of the city cemetery for the sale of lots.

Maintenance Supervisor Krohn stated that Terry Force would need to come back to make sure that the lots on the west side of the road were pinned correctly before those lots could be sold.

Mayor Goodenow then said that he would like to have the remaining lots sold before selling any in the newest addition unless it was absolutely necessary.

The council decided that since Mr. Force would need to come back and make sure the pins were in the proper places, the decision on the opening of lots for sale in the second addition to the city cemetery would be made at a later date.

*Passage of Resolution #01-19:*

City Clerk reminded the council that the resolution was a formality to waive requirements of Statute 75-1120a(a) for a full audit to be performed of the city's finances.

Councilmember Purvis moved to approve Resolution #01-19 as presented. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Permission to destroy non-essential paperwork from 2015:*

Councilmember Purvis moved to allow the destruction of all non-essential paperwork from 2015 to be disposed of by city staff. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Discussion on winter projects for maintenance personnel:*

Councilmember Moore stated he had asked for this discussion to be put on the agenda. He stated he felt that the shelter house/picnic area at the Dechairo Park needed to have the screening done as well as bringing electricity to the structure for patrons to use it more. He also stated that an additional 15' needed to be screened in as well.

Councilmember Purvis stated he felt the screening of the structure would allow for possible nuisances and damages to the screening, so he was not totally in favor of screening in the structure.

Mayor Goodenow stated that perhaps doing the updates to the structure should be done in stages and suggested the council consider providing electricity to the structure first.

Maintenance Supervisor Krohn stated the costs to get the electricity to the structure and installation of receptacles would be approximately \$3,000; screening of the structure approximately \$3,000; and enclosing the additional 15' of concrete pad area approximately \$1,500. He also stated that to replace the existing roof and adding a roof over the additional 15' with a tin roof would cost \$1,500.

After some brief discussion on the improvements and costs thereof for the shelter area, Councilmember Jack moved to authorize to supply electricity to the structure at a cost of no more than \$3,000, to add on to the existing structure another 15' at of cost of no more than \$1,500 and replace the existing roof with a tin roof as well as placing a tin roof on the extension not to exceed \$1,500. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Moore requested to allow city staff to help with some work at the Hand Dug well owned by the Rock Creek Valley Historical Society. He stated that there were some trees that need to be trimmed/removed, a fence that they would like removed, the fixing of some broken sidewalk blocks and to repaint and power wash the fence around the well itself.

Attorney Watt told the council they needed to be careful doing work for non-city entities as it might bring potential issues down the road and suggested that the council consider giving a donation to the Historical Society instead.

*Discussion on city park improvements fundraising items:*

Clerk Zentner stated that the Caring Communities Foundation had been informed that the city was not doing a fundraiser in 2019. She stated that evidently there was a misunderstanding from the December council meeting on her request. In light of this, Zentner asked that the council continue with the fundraising of Festival of Trees and asked that the council make a decision on a potential project for the city park improvements the council would like to raise the money for at this time.

After some brief discussion, Councilmember Jack moved to designate outdoor restrooms at city park as the fundraising goal for 2019 and to donate a tree for staff to decorate. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Discussion on requirements to file for city council seats:*

Councilmember Rice explained that at this point in time, any resident interested in filing for a city council seat would need to pay \$20.00 to file. She stated that the council could pass an Ordinance that would allow for a set number of signatures of registered voters in the city limits on a petition for the candidate in lieu of paying the \$20.00 filing fee.

Councilmember Rice moved to have an ordinance requiring either a filing fee or have a petition signed by five (5) registered voters for filing for a city council seat. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Discussion on RV Park:*

Councilmember Moore stated he felt something needed to be done regarding campers staying at the RV Park and not paying. He asked Attorney Watt if the county attorney could be asked for guidance on the situation.

Attorney Watt stated that he would speak with the county attorney for her opinion on the matter. He also stated that he felt State Statutes would need to be followed as far as eviction and termination of services.

*Discussion on Fire Department:*

Councilmember Moore stated he felt a decision needed to be made regarding the fire departments donation account, especially after the council received an opinion letter from the city's auditors.

Attorney Watt stated he felt there were two (2) issues regarding the account. The first being that it could be considered a petty cash fund to purchase small items and have the same controls as the city's petty cash fund. The second issue being the money is donated funds and if the funds are donated to the city for use by the fire department, the city council would make decisions as to how the funds are used.

Watt suggested that the fund should be a separate fund outside of the city council's control; that it not be set up under the city's tax-exempt number but under one of the firefighter's individual social security number. Unless there is a consensus from the fire chief and the firefighters to have the account under the city, it should be set up as an individual account outside of the city's control.

Mayor Goodenow stated he didn't feel the city should have anything to do with this fund as the money is given to the firefighters by outside individuals for the help the firefighters give for fighting fires and considers the money to belong to the firefighters.

Chief Smith stated that there was to be a meeting of the firefighters the following Wednesday evening and he would like Councilmember Jack, liaison for the fire department, in attendance to explain the situation to the firefighters.

*Discussion on low water pressure in the city limits:*

Councilmember Moore stated he had been approached by a resident that his water pressure was low at his residence. He said he had asked the resident if he was sure there wasn't an issue inside of his residence that might cause the low pressure and the resident stated that he had a new line. The resident informed Councilmember Moore that he felt there should be regulators installed.

Maintenance Supervisor Krohn state that for a minimum cost of \$15,000 for the equipment only, the whole neighborhood could be put on a pump system. If individuals were to

have the equipment installed, it would cost \$300 for the equipment only. Krohn stated he would go check the pressure at this residence and report back to the council his findings.

*Discussion on projection screen and projector for Community Center:*

Councilmember Moore stated that he felt the current television at the Community Center was not feasible for presentations to the council as the screen was too small. He had met with Krohn, the city clerk and personnel at the bank regarding the installation of a ceiling mounted projector and drop-down screen.

Councilmember Moore stated that a projector would cost around \$500, a screen \$150 or a bigger television around \$500.

Mayor Goodenow stated that the last time the city's auditors were in attendance, they had warned the council to watch their spending. Councilmember Moore stated that he felt they were speaking about 2018 and not the new year.

Councilmember Purvis stated that there had been only three (3) presentations to the council in the past two (2) years and he wasn't sure the cost was worth consideration.

This issue was not acted upon.

*Discussion to help the Rock Creek Valley Historical Society:*

There was nothing to discuss as this issue was discussed earlier in the meeting.

*Signing of engagement letters with VonFeldt, Bauer and VonFeldt:*

Councilmember Purvis moved to sign the engagement letters with VonFeldt, Bauer and VonFeldt as presented. Councilmember Smith seconded the motion. The motion passed four (4) ayes [Councilmembers Rice, Purvis, Smith and Jack] to one (1) nays [Councilmember Moore stating that he was not signing something he had not read. He later read and signed the letters].

*City Agent report:*

Jeff Zimmerman stated that he was waiting for the required observation time to be up before turning in more violations to the city clerk for processing.

Councilmember Moore stated that he was wanting to have something done regarding a business in town that was still out of compliance.

Attorney Watt stated that he had been waiting for the council to instruct him on how to proceed with this issue. Councilmember Moore stated he felt that the business owners should be summoned to court.

Attorney Watt asked Mr. Zimmerman to take new pictures at the property in question so that he could start the legal process on his end.

Councilmember Moore stated he was upset that the city agent did not start writing his reports on vehicles that had he had turned in. Mr. Zimmerman stated that according to the city ordinance, he had to observe the vehicles for thirty (30) days before he can process the complaint.

Councilmember Moore stated that he felt that was too long to wait and also stated that perhaps a "friendly" letter should be sent telling the vehicle(s)/property owner that the vehicle(s) were being "observed".

Councilmember Moore requested that a copy of the current vehicle ordinance be included in the councilmember's notebooks for the February 14, 2019 council meeting and to put a discussion on the amending of the ordinance on the agenda for the meeting.

*Future agenda items:*

There were no further future agenda items requested.

(Mr. Zimmerman exited the meeting at 8:45 PM).

**Staff Reports:**

*City Treasurer:*

Councilmember Jack moved to approve the treasurer's report as given. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Treasurer Varriale asked the council if they would be willing to transfer \$29,000 from the cash account to the Money Market account. She stated that currently, the cash account was earning 0.50% interest and by transferring the requested amount, the city would qualify for the Consumer Treasury Index Rate of 1.91% on the Money Market account. She stated the city would still have enough cash for daily operating expenses.

Councilmember Purvis moved to allow the city treasurer to transfer \$29,000 from the city's cash account to the Money Market account as suggested by the treasurer. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Varriale also stated that the city's Certificate of Deposit (CD) matures on April 10, 2019 and is currently earning 0.75% interest. She stated that this CD could be cashed out early and get a new CD with an interest rate of 2.50% for one (1) year or 2.60% for two (2) years. She also informed the council that per statute, the city could only invest in a CD of no longer than two (2) years.

After some brief discussion, the council decided to wait to make a decision until it was closer to the renewal time of the current CD due to the lose of interest and payment of a penalty.

*Maintenance:*

Maintenance Supervisor Krohn reported on the following:

- UTILITIES

March 5, 2019 is the deadline for the Kansas Department of Health and Environment (KDHE) to possibly impose a fine for not changing the city's water emergency/drought ordinance (#510) as required.

(City Clerk Zentner replied that she was waiting to hear back from (KDHE) from an inquiry she had made regarding the amount of water per person would be required in the case of an emergency. She will call them again and ask for this information.)

- STREETS

Installed delineator posts/delineators at the 4<sup>th</sup> Street bridge and large ditch culvert on Walnut, between Main and State

Costs for intersection signs on Main Street with the city logo embossed will cost \$2,500 and they would need to be replaced depending on the sun and weather. If no logo is embossed and just a brown background with white lettering, the cost would be around \$600 (Will bring a sample to the February meeting)

The 2019 chip seal/asphalt patch proposal and cost estimate are \$38,150.25

- PARKS

Retrofitted picnic tables removed from the Dechairo Park shelter building to be used at both the Dechairo Park and RV Park

Relocated the sewer cleanout line to the correct location for site #15 at the RV Park

Took down Christmas lights and decorations

Proposed Dechairo Park shelter building cost estimate of \$3,000 to enclose and screen in with two (2) door ways and electrical outlets and lights. This does not include the cost to bring electrical to the building

- CEMETERY



Propose that Terry Force recheck the layout of the newest addition to the cemetery after the road had been put in and some markers had to be removed in the process

- POOL

Purchased shade structure for the east side of the concession building and two (2) lifeguard commercial umbrellas to be used on the lifeguard stands

- BUILDINGS

Installed GFCI breakers for the outlets in the kitchen and bathrooms at the Community Center

Installed new weather proof flag pole lights at the fire station and City Hall

Built subframe and covered with ice/water membrane to be wrapped with metal by Danker Roofing at the Library

Danker Roofing installed a metal cap on the front portion of the library roof and made repairs to each side wall cap

- PLANNING/ZONING

Issued a violation letter for any accessory use building addition without a permit at 201 S. 2<sup>nd</sup>

Krohn informed the council that the lift station on the Wilson property had to be replaced at a cost of \$900 and the wiring will cost \$560.

Councilmember Moore informed the council that he and Krohn had looked at the stop sign situation and decided a stop sign on State Street from the west and a yield sign going east on State Street would be the best possible solution.

Councilmember Purvis moved to approve the placement of a stop sign on State Street coming from the west and a yield sign coming from the east at the intersection of State Street and South Walnut Street. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Moore stated that in March or April, he and Krohn would get with the county on the chip and seal/asphalt patching proposal. He also stated he had not had a chance to speak with the County Administrator regarding the cost sharing of the improvements to Campbell Street.

Krohn requested permission to purchase chips for the chip and seal project.

Councilmember Smith moved to allow Krohn to purchase chips for the chip and seal of the city streets for 2019. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Krohn also asked permission to recycle the donated books that were presently stored in the city garage. These books had been deemed as not appropriate for placement in either Little Free Library site.

Councilmember Jack moved to allow Krohn to recycle the books as requested. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Mr. Prater exited the meeting at 9:00 PM)

*Clerk:*

City Clerk Zentner had nothing additional to report.

***Councilmember's Reports:***

*Streets:* Councilmember Moore had nothing more to report.

*Utilities:* Councilmember Jack had nothing more to report.

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

*Planning/Zoning:* Councilmember Smith had nothing to report.

*Pool:* Councilmember Rice had nothing more to report.

*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 asked if Krohn had a chance to look into the report of 'critters' in the attic at the library. Krohn stated that he had looked at it and there was no way a "critter" could get into the attic without going through the inside of the library. He suggested that perhaps the noises heard were birds on the guttering.

*City Attorney:* Attorney Watt state he wanted to make the council aware that perhaps in two (2) or three (3) years, the county would be getting a new county health department building and the current building would be vacant. The county commissioners had discussed, with no decision

having been made, “swapping” the current health department building with the city for City Hall where the court service office could be re-located and City Hall could move into the health department building. He emphasized that no decision had been made by the commissioners, it was just a suggestion at the moment, but he wanted the council to know.

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

Mayor Goodenow declared the meeting adjourned at 9:13 PM.

Approved by the Governing Body on February 14, 2019.



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

Vicki B. Zentner  
Vicki B. Zentner, City Clerk