

Westmoreland City Council
Meeting Minutes
September 8, 2016

The Westmoreland City Council met for its monthly meeting on September 8, 2016 at the Westmoreland Community Center.

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

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

Others present: Garrett Nordstrom with Governmental Assistance Services (GAS); Todd Burrus with George K. Baum & Company; Residents, Wendy Hudson, Dorothy Campbell, Trudie Hoffman, Lois Vining, Janet Goodenow, Judy Roberts and Stacy Keller; and Erica Cobb with *The Smoke Signal*.

There being a quorum present Mayor Goodenow called the meeting to order at 7:00 pm and immediately opened a public hearing regarding the application for a CDBG (Community Development Block Grant) on the wastewater collection service with Mr. Nordstrom giving a brief overview of the project to those present and answering any questions that might arise from the audience or council.

Mr. Nordstrom informed those present that the cost to the city in matching funds, which would be in the form of a Kansas Rural Development Loan, would be \$438,950.

Councilmember Moore stated that this application was for the same project as last year of which the city didn't receive and the improvements should last for another 20 to 50 years.

Councilmember Rosell stated that this should be the last project for utility infrastructure that the city would be making for a very long time.

There being no public comments or questions, Mayor Goodenow closed the public hearing on the waste water improvements.

Councilmember Rosell moved to approve Resolutions #05-16 and #07-16 for the waste water improvement grant application. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mr. Nordstrom left the meeting at 7:06 pm.

Additions/Deletions to agenda: Councilmember Smith moved to approve the addition of a request from the Westy Area Chamber for the use of the RV Park for Fabulous Finds on Highway 99 event and a discussion on changing the basketball court to a batting cage at the ball diamond. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Approval of minutes from August 11, 2016 regular meeting, August 18, 2016 special meeting and August 24, 2016 special meeting: Councilmember Jack moved to approve the corrected minutes of the August 11 council meeting, the minutes of the August 18 special meeting as presented and the corrected minutes of the August 24 meeting. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Approval of monthly bills: Councilmember Jack moved to approve the payment of the monthly bills. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Public comments: Resident Judy Roberts addressed the council requesting the use of the community center free of charge for an exercise class that would be held once a week. She stated that the group would work around the rental schedule of the community center with the city clerk and the group had not set on a definite day of the week that they were still in the planning stage.

Councilmember Rosell moved to allow the exercise group to use the community center free of charge. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Resident Dorothy Campbell inquired as to when the Armer Street sidewalk project would be starting. Maintenance Supervisor Krohn stated that the city was waiting on the contractor to finish up with a previous commitment that they had, but was sure that it would start before cold weather set in.

Presentation of final bids of city re-financed bonds: Todd Burrus with George K. Baum and Company informed the council that invitations to bid were sent to 15 banks, but only one (1), Farmers State Bank, had submitted a bid. He stated he felt it was a very strong bid and with the rates from the bank, the savings to the city would be \$182,352.33 for re-financing the five (5) bonds. Closing date for the re-financing of the bonds would be September 29, 2016.

Councilmember Moore stated he was disappointed with not having more than one (1) bid and asked City Attorney Watt if having only one (1) bid met the obligations of the city. Attorney Watt stated that it did. Mr. Burrus stated that even if the city had received more than the one (1) bid, the city might not have received a better interest rate than what was received. He also stated that it was very common for local banks to bid and be the lowest bidder as they have a vested interest in their community.

Councilmember Rosell state he was glad that Farmers State Bank was willing to bid.

There being no further questions or comments concerning the bid received, Councilmember Rosell moved to accept the bid from Farmers State Bank in the amount of \$715,000.00. Councilmember Jack seconded the motion. Councilmember Moore abstained from voting citing a conflict of interest. The motion passed four (4) ayes, zero (0) nays and one (1) abstained (Councilmember Moore).

Councilmember Rosell moved to approve Resolution #06-16 “...*authorizing the issuance of \$715,000 principal amount of general obligation refunding bonds...*”. Councilmember Jack seconded the motion. Councilmember Moore abstained from voting citing a conflict of interest. The motion passed four (4) ayes, zero (0) nays and one (1) abstained (Councilmember Moore).

Councilmember Rosell moved to approve Ordinance #553 “...*authorizing the issuance and delivery of \$715,000 principal amount of general obligation refunding bonds...*”. Councilmember Smith seconded the motion. Councilmember Moore abstained from voting citing a conflict of interest. The motion passed four (4) ayes, zero (0) nays and one (1) abstained (Councilmember Moore).

Mr. Burrus left the meeting at 7:30 pm.

Ordinance #552-raising Mayor’s salary from \$100.00 to \$150.00 a month: Councilmember Moore moved to approve the raise in salary of the Mayor from \$100 a month to \$150 a month. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Acceptance of appointment of library committee chairperson: Councilmember Mack moved to accept the appointment of Janet Goodenow as chairperson for the city’s library committee. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Request from the Westy Area Chamber: Councilmember Moore presented a request from the Westy Area Chamber to allow groups and or individuals to use the RV Park grounds on September 23 and 24, 2016 for the Fabulous Finds on Highway 99 event. There was no discussion and Councilmember Smith moved to approve the request. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Discussion on batting cage placement: Councilmember Moore stated that he was in favor of moving the batting cage from its present location at the ball diamond to the basketball court to the west of the ball diamond if the court was not being used by patrons. However, he spoke with several different individuals and found that the court was used, especially in the early fall and summer months. He stated he felt that by moving the court the city could be creating another problem of where to put the basketball court.

Councilmember Rosell stated that the new concession stand would be located where the batting cage is at the present time and that remodeling of the old concession stand’s restrooms

would take place to make them ADA (Americans with Disabilities ACT) compliant. He stated that by placing the concession stand where the batting cage is now would save the city money.

Councilmember Purvis stated he had spoken with the baseball coach and athletic director for Rock Creek High School as well as the president of the recreation commission about placement of the batting cage.

Councilmember Rosell stated that perhaps the batting cage could be moved behind the outfield fence and leave the basketball court where it is and suggested that Councilmember Purvis present this alternative to Rock Creek. Councilmember Moore stated he felt that if the city would provide the labor perhaps he would be able to get a donation for the concrete to pour a slab for the batting cage.

City Agent: Jeff Zimmerman informed the council that three (3) more properties had been mowed since the last report given to the council. He also asked what the next step to be taken after residents are given notice and do nothing about the complaints. It was stated that city staff would go and mow the properties in question and send the property owner a bill. If the bill was not paid within 30 days the amount would be turned into the county clerk who would then put the amount owed on the property tax statement.

City Clerk Zentner informed the council that she had received an inquiry as to the downed tree at the Oregon Trail Apartments on State Street as to who was responsible for moving the remains.

After some discussion, Councilmember Jack moved to allow city staff to dispose of the downed tree remains at the Oregon Trail Apartments due to it being a non-profit organization. Councilmember Smith seconded the motion. Councilmember Moore abstained from the vote citing a conflict of interest as he is on the Westy Housing Authority board which is in charge of the apartment complex. The motion passed four (4) ayes to zero (0) nays with one (1) abstained (Councilmember Moore).

Mr. Zimmerman also asked about the process of violators of the city's dog limit ordinance. Attorney Watt stated that in order to take the owner(s) to court, he would need a person or persons willing to appear in court and testify that there are more than the three (3) dog limit at a residence. He also stated that pictures would be helpful as well.

Discussion on library: Newly appointed library committee chairperson, Janet Goodenow, informed the council that she had been doing some research as to how the city could take over the library and make it city owned instead of being a part of the Pottawatomie-Wabaunsee County regional library organization.

After some brief discussion, Attorney Watt stated that the council should make sure that the Pottawatomie County Commissioners know the issues going on and continue to let them know as the appoint members to the library board. He also stated that he felt that the city could

take over the library as it owns the building and pays the utilities as long as the city did not do anything with the mill levy.

In order to let the general public aware of when the library is open, Councilmember Smith moved to buy a neon "OPEN" sign for the library. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Future agenda items: No items were mentioned.

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

Streets: Chip sealed streets throughout town
Removed sapling trees from the intersection culverts throughout town

City Buildings: Mowed, sprayed weeds
Trimmed and removed storm damaged trees at the shop
Picked up tree limbs throughout town due to storms
Spot patched the roof at the library due to a small leak

Parks: Mowed, sprayed weeds
Trimmed tree low hanging limbs
Rebuilt wall in the new concession building and ordered
new stainless steel serving counter/shelving and sink

Cemetery: Mowed, sprayed weeds
Opened/Closed one cremation grave

Pool: Mowed, sprayed weeds

Zoning: Issued two permits for privacy fences
Issued one permit for an accessory use building

Krohn also reported that the cost for electric ceiling mounted heaters for the RV bathhouse to be kept open in the winter would cost approximately \$2,500 with an added expense of \$800 to \$900 for re-wiring. No decision was made at this time.

Aaron has passed his water operator test but is having trouble with the sewer operator test and will take this one again.

Krohn and Aaron have been working on the new concession stand. Once the stand is set, electrical work will be done. An awning over the front will be installed as there will be no air conditioning at this time. He stated that there are vents in the roof and fans mounted to circulate the air.

Clerk's Report: Clerk Zentner reported that the new city treasurer has been working and learning the basics of the clerk's job and will be trained hopefully in the next few weeks on the treasurer's job with a representative of the city's accounting firm and Zentner plans to "sit in" on the training as well.

Zentner informed the council that there are KPERS workshops available and she would like to send the city treasurer to the closest workshop in Topeka on September 28th. The council agreed that the new treasurer should attend the workshop and instructed Zentner to get her registered for the workshop.

Councilmembers Reports:

Streets: Councilmember Moore stated that all the streets scheduled to be chip and sealed had been done. He also stated that the city has a verbal agreement for the maintenance of Campbell Street with the county, but is working on a written agreement for a long term 50-50 split for maintenance and chip and sealing of Campbell Street.

Utilities: Councilmember Rosell stated he had nothing more to report. Councilmember Moore asked as to the decision to write off a bill referred to. Councilmember Rosell explained that he felt it wasn't worth fighting with a resident over the amount of his bill even though there was nothing wrong with the water meter. Attorney Watt stated that any further issues like this should be brought before the council as a whole.

Animal Control: Councilmember Smith had nothing to report.

Planning & Zoning: Wendy Hudson, chairperson of the planning & zoning commission, informed the council that there was a public hearing on September 20, 2016 at 7:00 pm regarding the issue of storage containers within the city limits.

Pool: Councilmember Jack had nothing to report.

Cemetery: Councilmember Purvis had nothing to report.

Parks: Councilmember Purvis had nothing more to report.

Mayor: Mayor Goodenow had nothing to report.

City Attorney: At the request of Councilmember Moore, City Attorney Watt gave a brief overview of the requirements of the Open Meetings Act (KOMA) as a reminder to the council and staff present.

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

Mayor Goodenow declared the meeting adjourned at 9:00 PM.

Approved by the Governing Body on October 13, 2016.



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

Vicki B. Zentner
Vicki B. Zentner, City Clerk