

Westmoreland City Council
February 10, 2022 minutes

The Westmoreland City Council met on February 10, 2022 at the Westmoreland Community Center for its monthly meeting.

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

Governing Body members absent: Councilmember Jeff Rosell.

City Staff present: City Attorney, Summer Dierks; Maintenance Supervisor, Robert Krohn; Pool Manager, Amber Krohn and City Clerk, Vicki Zentner.

Others in attendance: Residents: Zach Krohn, Karri Kruse, Charles Britton, John Coleman, and Bruce Meininger; Cale Prater, reporter for The Times and Gayli Harman, candidate for the RV Park Camp Host position.

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

Mayor Jack informed those in attendance that Councilmember Rosell had submitted his resignation from the council.

Councilmember Purvis moved to accept the resignation of Councilmember Rosell. Councilmember Smith seconded the motion. The motion passed three (3) ayes to zero (0) nays.

Mayor Jack then appointed John Coleman and Bruce Meininger to fill the vacant seat on the council of Councilmember Rosell as well as Mayor Jack's seat, which was vacant due to his election for Mayor.

Councilmember Smith moved to accept the appointments of John Coleman and Bruce Meininger to the council. Councilmember Purvis seconded the motion. The motion passed three (3) ayes to zero (0) nays.

City Clerk Zentner administered the oath of office for John Coleman and Bruce Meininger and they then took their seats at the council table.

Additions/deletions to the agenda: Additions to the agenda were Charter Ordinance # 2002-1 "...*exempting the city from K.S.A. 15-209 related to qualifications of officers of the city and providing substitute provisions on the same subject...*"; approval of the

renewed Cereal Malt Beverage (CMB) license for the Oregon Trail Market; a discussion regarding allowing honey bees in the city limits; discussion on applying for the KANPAY online payment program and holding an executive session regarding non-elected personnel.

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

Approval of minutes from January 13, 2022 regular meeting and January 19, 2022 special meeting: Councilmember Purvis moved to approve the corrected minutes of the January 13, 2022 regular meeting. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Purvis moved to approve the minutes of the January 19, 2022 special meeting as presented. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Payment of the monthly bills: After a brief discussion regarding the invoice from Bell Memorials, Councilmember Smith moved to approve the payment of the monthly bills as presented. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Public Comments on non-agenda items: Amber Krohn, representing the Rock Creek Diamond Club, asked the council to donate a two (2) hour pool party at the city swimming pool for the upcoming fundraiser.

Councilmember Purvis moved to donate a two (2) hour pool party to the Rock Creek Diamond Club for their upcoming fundraiser. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Charles Britton: Mr. Britton addressed the council regarding a vehicle violation letter he had received. Mr. Britton stated that the vehicle in question did in fact run, that it wasn't currently registered due to it belonging to his son, who, due to health issues, was unable to get a driver's license until the health issues had been resolved to the satisfaction of his physician. The health issues were taken care of now, and his son is in the process of obtaining a driver's license.

Mr. Britton stated that he felt instead of receiving a letter, if someone had come to his door and asked him about the vehicle, then perhaps the issue would not have been to the point of a letter being sent.

Mayor Jack informed Mr. Britton that the council was trying to change the communication issue with residents, but currently, they were still in "the works". He also stated that after speaking with Mr. Britton prior to the council meeting, the issue of the vehicle had been resolved.

Mr. Britton asked if the vehicle could be kept in his carport after it had been driven until his son was able to get a driver's license and properly tagged. The council stated this would be acceptable.

Mr. Britton thanked the council and exited the meeting at 7:25 PM.

Zach Krohn regarding allowing All Terrain Vehicles (ATVs) in the city limits: Mr. Krohn stated he would like to propose the council allow ATVs in the city limits. He stated that he had contacted the City of St. George and the City of Onaga for their rules and regulations for allowing ATVs on their city streets and presented this information to the council.

Mr. Krohn proposed that the city allow ATVs in the city limits with the following conditions:

- Drivers must have a valid driver's license
- Drivers must have current proof of insurance to be presented each year to City Hall
- Drivers and passengers must wear a helmet and other safety gear
- ATVs must be equipped with headlights that beam 500' in the front and red tail lights that are visible from 500'
- All ATVs must be registered with the city and have a registration tag on their vehicle at a cost of \$30.

Attorney Dierks informed the council that should they decide to allow ATVs in the city limits, they would have to pass a Charter Ordinance to opt out of K.S.A. 8-15,100.

After some brief discussion, Councilmember Purvis requested that Mr. Krohn provide to the city clerk the research from the City of St. George and the City of Onaga and that the City Attorney research the State Statue before the council decided. He requested that this request be tabled until the March 10, 2022 meeting.

The council thanked Mr. Krohn for appearing before them with his proposal.

Karri Kruse regarding raising the number of chickens (hens) allowed in the city: Mrs. Kruse asked the council to raise the number of chickens (hens) that were allowed from four (4) to eight (8).

After some brief discussion, Councilmember Smith moved to amend Ordinance #551 changing the limit of chickens (hens) from four (4) to eight (8). Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Ordinance #585 "...relating to monthly water rates...": Mayor Jack informed those present that due to Rural Water District #4 (water supplier to the city) raising their rates to the city, the council must pass the rate increase along to the consumers. Ordinance #585 raises the rate for each 1,000 gallons of usage from \$7.65 to \$7.90.

Councilmember Purvis moved to amend Ordinance #564 regarding the monthly water rate from the current \$7.65 per 1,000 gallons of usage to \$7.90. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Mrs. Kruse exited the meeting at 7:45 PM. Mr. Prater exited the meeting at 7:47 PM).

Services and agreement with VonFeldt, Bauer and VonFeldt for budget and auditing services: Councilmember Purvis moved to authorize the Mayor to sign the services provided by VonFeldt, Bauer and VonFeldt as presented. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Purvis moved to authorize the Mayor to sign the agreement for services regarding the 2021 city budget with VonFeldt, Bauer and VonFeldt as presented. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Purvis moved to authorize the Mayor to sign the three (3) year agreement with VonFeldt, Bauer and VonFeldt for the preparation of the city audit for the years 2021 at a cost of \$9,655, 2022 at a cost of \$9,945 and 2023 at a cost of \$10,150 as presented. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Donation request from Rock Creek High School After Prom Committee: Councilmember Rice moved to donate a two (2) hour pool party at the city swimming pool to the Rock Creek High School After Prom. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Charter Ordinance 2022-1: Clerk Zentner informed the council that due to the possibility of having no applicants from within the city limits for the clerk's position, that the council could opt out of the requirements of K.S.A. 15-209 in regards that the city clerk and the city treasurer must live within the city limits to hold these positions.

After a brief overview of the Charter Ordinance, Councilmember Purvis moved to adopt Charter Ordinance #2002-1 as presented. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Cereal Malt Beverage license renewal: Councilmember Rice moved to approve the CMG license renewal for the Oregon Trail Market. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Discussion on applying for online payment option with KANPAY: Clerk Zentner informed the council that KANPAY is a service for online payments that is free to cities and the rates to the consumer for this service is considerably less than the present credit card payment program.

After some brief discussion, Councilmember Purvis moved to allow the city clerk to apply to KANPAY for online payment services. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Discussion on allowing honeybees in the city limits: Clerk Zentner informed the council that city hall had received an inquiry of allowing honeybees in the city limits. Zentner informed the council that there was no ordinance on the books stating that honeybees were not allowed in the city limits. The council stated that it would be alright for residents to have honeybees in the city limits.

Staff Reports:

Treasurer's report: Clerk Zentner presented the treasurer's report. There being no questions regarding the report, Councilmember Purvis moved to approve the treasurer's report as presented. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Maintenance report: Maintenance Supervisor Krohn presented the following report:

UTILITIES

- There was a KDHE (Kansas Department of Health and Environment) inspection of the water system on January 18, 2022. No deficiencies were found but recommendations were made for ordinances related to the water system be updated every year by administration regarding staff, city and emergency contact being updated. Along with any changes to dollar amount changes regarding rates or fees that are mentioned in any of the of the water related ordinances. Also showed what KDHE is wanting to see with record keeping of water valve exercising and hydrant/water line flushing. Records of each were being kept in the daily reports, but KDHE wants to see more detailed records of the activities

and is starting to strongly enforce water valve exercising and hydrant/water line flushing.

- Created spread sheets to keep more detailed records of yearly water valve exercising and hydrant/water main flushing as per KDHE
- Larson Construction has begun to bring in equipment and materials for the Scott Drive sanitary sewer improvement project. They will start work as soon as the weather allows. Letters were sent to all the property owners on Scott Drive to make them aware of the project and the possible traffic delays that may be caused from the project due to it being a no outlet street
- SMH is working on plans to be approved by KDHE for the 4th Street sanitary sewer improvement project
- Cottonwood Ridge subdivision sanitary sewer improvements have been approved by KDHE and it will be up to the developer to put the project out to bid for completion
- 4th quarter lagoon sampler results for 2021 were turned into KDHE with all levels being under the allowed limits of the permit
- Installed replacement sump pump at the vault
- Analytical water samples results for the month of January came back absent for E. coli and/or total coliform

STREETS

- Spread salt/ice melt on streets and city property sidewalks January 15, 2022
- Took down Christmas lights/banners and installed all occasion banners
- Cleared snow off the streets and city property sidewalks. Spread salt on city streets and ice melt on city property sidewalks. Removed snow pile off Main Street February 2, 2022

PARKS

- Picked up trash and tree limbs

CEMETERY

- Bell Monuments repaired 15 monuments that were approved in 2021. They also repaired one (1) monument, as per a work order, that was paid for by the owners of the monument

CODE ENFORCEMENT

- Attended municipal court on February 3, 2022 for inoperable vehicles and/or trash/debris for the properties at 505 and 507 Main Street and 407 E. State
- There are currently 9 properties in violation of inoperable vehicles and/or trash/debris ordinance out of the 15 turned in during January. (15 vehicles total)

- There are currently eight (8) properties with inoperable vehicles and are in the 30-day process or being allowed on the properties before they are considered in violation of the ordinance. (8 vehicles total)
- There are currently seven (7) properties that have been given extended time frame due to showing improvements in trying to get the violations taken care of

MISC

- The current timeframe for breaking ground for the new Dollar General business is slated to begin April 1, 2022

Clerk's report: Clerk Zentner informed the council that three (3) RFPs (Requests for Proposals) had been sent to three (3) insurance companies for the city's insurance renewable April 1, 2022. The three (3) companies were EMC (current company), Charlson-Wilson Insurance and Conrade Insurance in Newton. The RFPs are due back to city hall by March 4, 2022 by noon.

Council Reports

Streets: There was nothing more to report.

Utilities: There was nothing more to report.

Animal Control: Councilmember Smith had nothing to report.

Planning and Zoning: Councilmember Smith had nothing to report.

Pool: Pool Manager, Amber Krohn, informed the council that ads for lifeguards needed to put submitted to the papers. There also needed to be a special meeting to go over the pool manual.

Councilmember Purvis move to put ads in *The Smoke Signal* and *Manhattan Mercury* for lifeguards for the 2022 pool season due back by May 1, 2022. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Cemetery: Attorney Dierks stated that the city had received another counteroffer from the Roeder Trust and the Nolte Trust regarding the .34 acre of land at the city cemetery. Attorney Dierks stated that the rest of her report would need to be discussed in an executive session for the purpose of "Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship".

Mayor Jack stated that the Commander of the American Legion, Richard Herrman, has requested that the city consider installing a pad so the older members of

the American Legion may sit in chairs during the Memorial Day ceremonies at the cemetery.

Councilmember Purvis said he felt the city should see plans, cost, and placement of the pad before deciding. Supervisor Krohn will contact Commander Herrman and discuss this with him.

Parks: There was nothing more to report.

Fire Department: Mayor Jack had nothing to report.

(Amber and Zach Krohn exited the meeting at 8:23 PM).

Mayor: Mayor Jack asked permission from the council to attend the Mayors Conference in Manhattan, April 29th and 30th at a registration cost of \$175.00

Councilmember Smith moved to allow Mayor Jack to attend the Mayors Conference in Manhattan, April 29th and 30th and the city pay the registration cost of \$175.00. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

City Attorney: Attorney Dierks informed that council that she had sent two (2) demands for trash/debris violations giving the violators 14 days to remedy the situations.

Attorney Dierks also informed the council that she would not be in attendance at the March 10, 2022 council meeting but would send a report beforehand.

Executive Session #1:

Councilmember Purvis moved to enter an executive session at 8:25 PM for no longer than 30 minutes with the Mayor, City Clerk, City Maintenance Supervisor, Councilmembers and Gayli Harman present for personnel matters of non-elected personnel and to protect their privacy. Councilmember Rice second the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Purvis moved to exit from the executive session at 8:40 PM. Councilmember Meininger seconded the motion. The motion passed five (5) ayes to zero (0) nays.

As a result of the executive session, Councilmember Purvis moved to enter into an agreement with Gayli Harman for the RV Park Camp Host beginning March 1, 2022. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Ms. Harman exited the meeting at 8:40 PM).

Executive Session #2:

Councilmember Rice moved to enter an executive session at 8:41 PM for 15 minutes for the purpose of consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship with the Mayor, Councilmembers, Clerk, Maintenance Supervisor and Attorney Dierks in attendance. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Purvis moved to exit from the executive session at 8:49 PM. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

As a result of the executive session, Councilmember Purvis moved to authorize the city attorney to accept the counteroffer from the Roeder Trust and the Nolte Trust paying each Trust \$1,500 for the .34 acre of land at the city cemetery. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Executive Session #3:

Councilmember Purvis moved to enter an executive session at 8:50 PM for 10 minutes for the purpose of personnel matters of non-elected personnel and to protect their privacy. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Purvis moved to exit the executive session at 9:00 PM. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

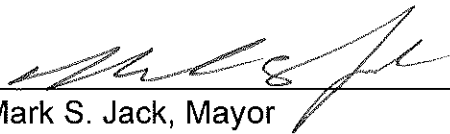
There was no action taken due to the executive session.

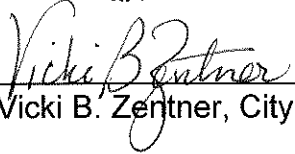
There being no further business, Councilmember Smith moved to adjourn the meeting. Councilmember Coleman seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Jack declared the meeting adjourned at 9:04 PM.

Approved by the Governing Body on March 10, 2022.



Signed: 
Mark S. Jack, Mayor


Vicki B. Zentner, City Clerk