

Westmoreland City Council
November 10, 2016 meeting minutes

The Westmoreland City Council met for its monthly meeting on November 10, 2016 at the Westmoreland Community Center.

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

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

Others present: Resident and library committee chairperson, Janet Goodenow and James Gordon and Gina Roberts with Sink, Gordon and Associates.

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

Additions/Deletions to agenda: Councilmember Smith asked that he have a minute to address the council. Mayor Goodenow asked that approval of a special event CMB (Cereal Malt Beverage) permit for the Christmas events by the Westmoreland Area Chamber be added to the agenda.

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

Approval of October 13, 2016 minutes: Councilmember Smith moved to approve the minutes of the October 13, 2016 council meeting as presented. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Approval of monthly bill payments: Councilmember Jack 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: There were no comments from those in attendance regarding non-agenda items.

Councilmember Smith: Councilmember Smith wanted to thank the city council and staff for their expression of sympathy and support at the time of his wife's passing.

Presentation of the 2015 city audit: Jim Gordon and Gina Roberts with Sink, Gordon and Associates presented the council with their audit for the city for the year ending 2015.

Mr. Gordon informed the council that in the process of doing the audit, several issues regarding the former city treasurer had been brought to their attention. Through the research done by both the city clerk and the auditors, several issues of non-payments and filing of paperwork had been found. These issues have since been taken care of, although it could be possible that the city could be assessed penalties for late filings and incorrect amounts being submitted. Mr. Gordon stated they felt comfortable that everything was fine with the issues as everything tied out as of the end of 2015.

Councilmember Moore asked Mr. Gordon if Sink, Gordon and Associates would be interested in doing the city's payroll and what they would charge the city for doing the payroll.

Mr. Gordon stated that if they were going to do the city's payroll he felt it should be "switched" over at the end of the year. He stated that with the small number of payroll checks to be issued at this time would be relatively easy for them to do, but once the pool season started it would require more time but they could do it. He also stated that they would require the city office staff to forward the hours worked for each employee and then they would direct deposit the checks and give the staff a printout of all the additional filings that would need to be done (withholdings, retirement, etc.). They will get a proposal submitted for the December council meeting for the council to discuss.

Councilmember Jack asked Mr. Gordon if the audit that Sink, Gordon does will catch all issues. Mr. Gordon stated that they compare every month's expenditures, but they would probably not catch everything as they only compare a random amount of expenditures. To do a "full" audit would be more time consuming and cost the city more money.

Mr. Gordon informed the council that the letter's prepared to the council were basically the same as every year when it came to the separation of duties for office staff. They did recommend that the office staff provide a printout of the journal entries that are made each month and this has also been discussed with the office staff.

There being no further questions or discussing regarding the year ending audit for 2015, Councilmember Smith moved to accept the audit as presented by Sink, Gordon and Associates. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Discussion on funding for air bottle compressor for Fire Department: Attorney Watt stated that there were several places in the State statutes that allow for the city to "borrow" monies from the Fireman's Relief Fund for the purchase of equipment for the fire department, but he wondered if in the long-term was it worth the city doing this.

Councilmember Moore asked if the Seven Townships would be part of this process. Councilmember Smith stated that they would be. He also stated that he had been conversing with John Boyd with the State and was told that the city could name any interest rate they wished as well as how long the long would be for and what the payments would be.

Mr. Gordon stated that if the State was willing to give the loan at a low interest rate it might be a good idea to fund the purchase of the equipment this way. He stated that if the state would accept an interest rate of 1% it would be worth it, but he didn't feel comfortable for the city to go any higher than 3%.

Councilmember Rosell stated he would feel more comfortable with a written agreement between the city and Seven Township as to what their payments would be and when they would pay them before he considered applying for the loan with the firemen's relief fund.

Attorney Watt stated that there was also the question with the ownership of the equipment.

Councilmember Rosell stated that he would want everything spelled out between the city and townships regarding the ownership, payments, etc.

Attorney Watt stated that this would be a policy that the city makes and the decision would be up to the city as to whether to purchase the equipment to begin with.

Councilmember Smith asked if the rest of the council wanted him to go ahead and pursue the issue with the township board.

Councilmember Moore stated he personally couldn't make a decision until he knew what the total purchase amount was and what the interest rate and payments would be.

Councilmember Rosell stated that perhaps the council and the township board should hold a special meeting to discuss the issue. He also asked that Councilmember Smith get more information and also get a quote from more companies on the purchase price. He stated that more bottles (already filled) could be purchased for now.

Attorney Watt stated a question to ask is if the county fire district was planning to purchase this type of equipment and maybe "loan" the compressor to the city when they needed to fill their bottles. He stated that he felt it made sense to coordinate with county as an alternative to purchasing the equipment.

Councilmember Rosell asked Councilmember Smith to talk to the fire supervisor and see what plans on equipment purchases were.

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

Discussion on land annexation request by Farmers State Bank: Councilmember Moore stated that Farmers State Bank had recently purchased 14.7 acres of land located in the south part of the business park and would like to have this land annexed into the city. He stated the advantage to the city would be the additional property taxes to the city.

Attorney Watt stated that should the council allow the annexation, they would need to pass Ordinance #554, have it published and the certified copies would need to go to the county clerk and register of deeds to be filed making the annexation official. The bank would plat the land after the annexation became official. He also stated that once the annexation and platting was complete there may still be issues with the construction of streets, curb and gutters, etc. The subdivision ordinance would have all of the requirements stated in it which would have to be followed.

There being no more discussion on the request of the annexation of 14.7 acres of land located in the south part of the business park, Councilmember Rosell moved to approve the annexation request. Councilmember Jack seconded the motion. The motion passed four (4) ayes, zero (0) nays and one (1) abstention due to conflict of interest by Councilmember Moore.

Passage of Ordinance #554 regarding the land annexation: Councilmember Rosell moved to approve Ordinance #554 "...annexing certain real estate into the City of Westmoreland pursuant to the provisions of K.S.A. 12-250...". Councilmember Jack seconded the motion. The motion passed four (4) ayes, zero (0) nays and one (1) abstention due to conflict of interest by Councilmember Moore.

Approval of special event CMB (Cereal Malt Beverage) for Christmas event on December 3, 2016: Councilmember Rosell moved to approve the request for a special CMB license for the Christmas event on December 3, 2016 by the Westmoreland Area Chamber by Jill Lenauer-Overkamp. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays with no discussion.

City Agent: City Agent Zimmerman stated that he had written a few violations recently.

Attorney Watt stated that there was one question/issue that did not require council approval. He stated a letter had been sent to the landowner as required and the ordinance gives two (2) options to remedy the issue-city staff could go in and clean up the property, or take the landowner to court which would require the city to pay for a court appointed attorney should the landowner so request. He stated that he felt that city staff was uncomfortable in going to clean up the property.

Councilmember Moore stated he would talk to the landowner and see if he would allow city staff to come and clean the property up.

Councilmember Rosell stated that the council was not here to be mean but they needed to take a stand. He stated he understood others feeling like they didn't feel they should have to comply with their notice if the council wouldn't follow through with others.

Library committee report: Janet Goodenow informed the council that the committee met on October 27th and put candy on bookmarks advertising the hours of the library for handing out at Halloween. Then on Halloween evening, the youth committee members and Mrs. Goodenow provided story-telling. She stated that there was a little over 30 people (young and old) that

participated in the story-telling. She also stated that two (2) to three (3) people got library cards and checked out books while they were there and she overheard several patrons stating they didn't know the city had a library.

Mrs. Goodenow stated that the committee was meeting on November 17th to plan for the Christmas in Westmoreland events.

Mrs. Goodenow asked the Mayor to appoint the following patrons to serve on the library committee: Jennifer Jacobs and Rick Wilcox. The Mayor presented these two persons to the council for their approval for appointment.

Councilmember Jack moved to approve the appointment of Jennifer Jacobs and Rick Wilcox to the library committee. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Future agenda items: Councilmember Moore asked the city clerk to contact Todd Anderson with SMH Consultants and Garrett Nordstrom with GAS (Governmental Assistance Services) regarding the sewer grant application the city submitted and find out if there was anything else the city needed to provide and when the city might know if they were approved for the grant and report back at the December meeting.

(Jeff Zimmerman and Janet Goodenow exited the meeting at 8:35 PM).

Reports:

City Treasurer: Councilmember Rosell moved to approve the treasurer's report as presented. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Councilmember Rosell moved to approve enrolling the city treasurer for KPERS (Kansas Public Employees Retirement System) benefits. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Maintenance: Supervisor Krohn gave his utility and maintenance monthly report as follows:

UTILITIES:

Unplugged and cleaned the sewer main in the alley behind 305 North Mayer
Specialty cleaned problematic sewer mains throughout town while they were in the area
Attended competent person and trenching/excavation classes as part of his KDHE (Kansas Department of Health and Environment) requirements

STREETS:

Removed existing sidewalks on Armer Street
Fleming Brothers construction poured five (5) blocks of new concrete sidewalks on Armer Street
Backfilled sidewalks on Armer Street
Asphalt patched streets throughout town (60 tons)

PARKS:

Removed plumbing fixtures and removed concrete block wall at the ball diamond restrooms
Removed existing sidewalk, graded for, poured back new curb/gutter and sidewalk at the ball diamond restrooms (20 yds.)
Graded for, built and poured with the assistance of Fleming Brothers Construction a 40' X 75' pad for the new batting cages at the ball diamond

CEMETERY:

Mowed and trimmed grass
Opened/closed two (2) full burials and one (1) double cremation grave

PLANNING AND ZONING:

Issued one (1) building permit for a privacy fence at 302 S. Pine
Issued one (1) chicken permit for the property at 404 S. 4th
Issued a building permit for a new garage at 203 N. 1st

EQUIPMENT:

Purchased 84" tooth bucket for skid loader to save wear and tear when trying to make large cuts using smooth bucket

MISC.:

Mowed one out of compliance yard at 402 E. North

Krohn stated that he was contacted that Thomas Sign was going to erect signage on the front of the grandstand, back of the bleachers facing the elementary school as well as a smaller sign on the restrooms so the recreation commission could post tournament brackets. Thomas Sign had stated that they would possibly donate the labor for erecting all the signage.

The county was to pave Campbell, 6th and Oregon Trail Streets and they hadn't asked for the city to help pay for the cost of doing them.

Councilmember Moore stated he would go to the county engineer and get a written agreement with the approximate rate for milling Main Street.

Attorney Watt stated that the culverts would need to be repaired or replaced before the county could do the milling. Councilmember Moore stated that the city would spend some money on the culverts but not for overhauling them.

Clerk: City Clerk Zentner asked the council when they wished to schedule staff evaluations.

Councilmember Rosell moved to hold a special meeting on December 15, 2016 beginning at 6:00 pm for staff evaluations in executive session. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Zentner reported that the new office computers were up and running. She stated that the cost for the computers was \$1,265.15 which included the cost of new Word programs for both computers.

Krohn and Zentner had a meeting with representatives from Westar at the beginning of the week. Westar will be replacing all the vapor street light bulbs with LED bulbs and the replacement will raise the street light bill to the city by \$130.00 a month. She stated that the city didn't have a choice as to whether to do or not.

Councilmember Moore requested that the franchise fee agreement between the city and Westar be researched to see if a rate increase could be done.

Municipal court had been held with the defendants pleading not guilty to the charge of the dog running loose. The next court date on this issue is December 5th.

Councilmembers Reports:

Streets: Councilmember Moore had nothing more to report

Utilities: Councilmember Rosell had nothing to report

Animal Control: Councilmember Smith had nothing to report

Planning and Zoning: Councilmember Smith reminded the council there was a public hearing on November 29th regarding the variance request from the city to allow the trailer in the city for the concession stand at the ball diamond.

Pool: Councilmember Jack had nothing to report

Fire Department: Councilmember Jack had nothing more to report

Cemetery: Councilmember Purvis had nothing to report

Parks: Councilmember Purvis had nothing more to report

Mayor: Mayor Goodenow had nothing to report

Attorney: Attorney Watt had nothing to report

Councilmember Moore moved to enter executive session regarding potential litigation with the Council, Mayor, City Attorney and City Clerk in attendance for 15 minutes. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Goodenow declared the executive session to commence at 9:00 PM.

Councilmember Jack moved to exit the executive session at 9:15 PM. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Goodenow declared the executive session out at 9:15 PM.

There was no action taken from the executive session.

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 9:15 PM.

Approved by the Governing Body on December 8, 2016.




Vicki B. Zentner, City Clerk

Signed: _____


Mark A. Goodenow, Mayor