

Westmoreland City Council  
May 10, 2018 Minutes

The Westmoreland City Council met for its monthly meeting on May 10, 2018 at the Westmoreland Community Center at 7:00 PM.

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

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

City Staff absent: City Treasurer, Teri Varriale.

Others present: Luke Goodenow with Westmoreland/Seven Township Fire Department; Resident, Tyler Washburn; Todd Anderson with SMH Consultants; Janet Goodenow, Library Committee chairperson; William Karnowski with Construction, Inc., Susie Kufahl with Caring Communities Foundation and Cale Prater, reporter with The Smoke Signal.

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

*Additions/Deletions to agenda:* Councilmember Moore asked that a presentation by the Caring Communities Foundation members of Susie Kufahl and himself be added to the agenda; and Resolution #01-08 “...sale of alcoholic beverages at the Wagon Wheels Car Show...”.

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 12, 2018 meeting minutes:* Councilmember Moore moved to approve the minutes of the April 12, 2018 council meeting with corrections. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Public Comments on Non-Agenda items:* There were no comments.

*Opening of bids for sidewalks/alternate work at Dechairo Park:* City Clerk Zentner opened and read the bids received for the sidewalks and alternate work at Dechairo Park. Maintenance Supervisor Krohn reviewed the bids and reported that one bid received would need to be removed from consideration due to the fact that the cost of the concrete was not included in the bid.

Councilmember Moore stated that Farmers State Bank would be willing to pay for three (3) blocks of the sidewalk improvements from the corner of 3<sup>rd</sup> and Cochrun to the Community HealthCare System building on 3<sup>rd</sup> Street.

There being no further comments or questions on the bids, Councilmember Purvis moved to award the sidewalk/Dechairo Park project bid to Fleming Brothers Construction, LLC in the amount of \$27,950.80 for the sidewalks and \$6,253.20 for the Dechairo Park project for a total of \$34,204.00. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Opening of bids for lease/purchase of mini-excavator:* Clerk Zentner informed the council that only one (1) bid had been received for the lease/purchase of the mini-excavator, from Kaw Valley State Bank. Councilmember Moore moved to accept the bid from Kaw Valley State Bank for the lease/purchase agreement of the mini-excavator. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Opening bids for porta pottys:* Clerk Zentner opened and read bids from Cat Cans and Frankfort Porta Potty for porta pottys within the city and for special events.

Councilmember Purvis moved to accept the bid from Cat Cans as presented for porta pottys within the city and for special events. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

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

Mayor Goodenow appointed the following:

City Treasurer, Teri Varriale; City Attorney, John Watt; Municipal Court Judge, Blaine Carter; Municipal Court Clerk, Vicki Zentner; Zoning Administrator, Robert Krohn; Official City Newspaper, *The Wamego Times*; Official Accounting Firm, VonFeldt, Bauer and VonFeldt; Library Committee Members, Janet Goodenow, Ashley VanGilder, Kent Robb, Caitlin McLean and Jenny Jacobs; Planning and Zoning Commission members, Wendy Hudson, Jeff Zimmerman, Mark Havenstein, Trudie Hoffman, Wayne Roberts and Ashley Smith.

Councilmember Jack moved to approve the slate of appoints as presented. Councilmember Moore seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Mayor Goodenow appointed Farmers State Bank as the city's official financial institution.

Councilmember Purvis moved to appoint Farmers State Bank as the city's official financial institution. Councilmember Smith seconded the motion. Councilmember Moore declared a conflict of interest and excused himself from the vote. The motion passed four (4) ayes to zero (0) nays with one (1) abstention (Councilmember Moore).

Mayor Goodenow appointed Jim Smith as the Fire Chief.

Councilmember Jack moved to appoint Jim Smith as the Fire Chief. Councilmember Rice seconded the motion. Councilmember Smith excused himself from the vote. The motion passed four (4) ayes to zero (0) nays with one (1) abstention (Councilmember Smith).

*Election of President of the Council:* Councilmember Moore nominated Councilmember Jack as president of the council. Councilmember Rice seconded the nomination. Councilmember Jack was voted as president of the council by four (4) ayes to zero (0) nays with Councilmember Jack abstaining.

*Tyler Washburn:* Tyler Washburn addressed the council and asked that they consider changing the animal ordinance to allow ducks in the city limits. He stated that he had purchased the ducks for his young son to learn responsibility. He stated that he would like to have four (4) ducks be allowed, the same as the chickens.

After some brief discussion, Councilmember Smith moved to amend the city's animal ordinance to allow four (4) ducks within the city limits and to follow the same guidelines as for chickens. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

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

*Water run-off issue at 304 Rock Creek Drive:* Councilmember Purvis stated that the homeowners had intended on attending the council meeting but had a conflict. He stated that after the last rainfall, the run off had created a trench in their backyard due to the north side of the street draining to their backyard. The homeowners were wanting to bring dirt and was wanting the city to look at the problem and see if anything could be installed in the yard to help with the drainage.

Councilmember Moore stated that he and Krohn had gone to look at the issue. Krohn stated that the city did not have an easement in this area, however, Westar Energy and Blue Valley Telephone did. He stated that perhaps it could be moved into the center to allow for the drainage and that the homeowners would need to get permission from all their neighbors and also to the homeowner to the east because their property is lower than the others.

Attorney Watt stated that altering the natural flow of water was not to be changed and since the city did not have an easement and this was on private property, that the city should not be getting involved as it could also set a precedent for other areas in the city with the same issue. He also stated that the homeowners are the ones that need to contact an engineer for guidance and not the city.

*RV Park host revisited:* Councilmember Purvis asked that the rest of the council reconsider advertising for a RV Park host. He stated that too many issues have happened in the last month and they might have been taken care of before they became an issue had there been a host

present at the RV Park. He stated that he would hate to see “word of mouth” get around that the city doesn’t take care of things and then no one would come to the park.

After some brief discussion, Councilmember Purvis moved to advertise for a RV Park host in the *Smoke Signal* stating that terms of employment are negotiable. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Approval of CMB renewal for South 40 Café and CMB special event permit for the Wagon Wheels Car Show:* Councilmember Purvis moved to approve the CMB renewal for South 40 Café and the CMB special event permit for the Wagon Wheels Car Show. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Passage of Resolution #01-18 “...selling of alcoholic beverages at the Wagon Wheels Car Show...”:* Councilmember Jack moved to approve Resolution #01-18 for passage as written. Councilmember Smith seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Setting date for 2019 budget work session:* The council set June 5, 2018 at 6:30 PM as the date for the 2019 budget work session with the auditors.

*Luke Goodenow-request from Fire Department:* Luke Goodenow asked the council for a donation to purchase two (2) sets of t-shirts for the firefighters to wear to events. They would have the Maltese cross on the front with Westmoreland above and Seven Township underneath the cross and Fire-Rescue across the back of the shirts. He stated that they would like to have short and long sleeve red shirts with an approximate total cost of \$600.00.

After some brief discussion it was decided that the Fire Chief had the authority to purchase the shirts out of the fire department’s budget.

(Luke left the meeting at 7:54 PM).

*Caring Community Foundation presentation:* Councilmember Moore stated that Susie Kufahl and he were present to see if the foundation could help the city with a project for the community through a fundraiser.

Ms. Kufahl stated that the money raised would then be given back to the city for use on the designated project.

Councilmember Moore asked the council to bring ideas of projects back to the June 14, 2018 council meeting for consideration.

(Ms. Kufahl left the meeting at 8:11 PM).

*Sustainability Plan Revision:* Todd Anderson with SMH Consultants informed the council that he had contacted KDHE (Kansas Department of Health and Environment) regarding the original plan figures being allowed to be revised. He stated that, to his surprise, they allowed the city to

revise the original figures. The figures have been revised and now KDHE needs the council to authorize the Mayor to sign the plan as revised.

Councilmember Moore moved to authorize the Mayor to sign the Sustainability Plan as presented. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

(Mr. Anderson left the meeting at 8:15 PM).

*City Agent:* City Agent, Jeff Zimmerman reported that he was waiting for the clerk to give him an order and notice to be served on a resident regarding the appearance of his property.

He also stated that one on-going issue had been resolved at court earlier in the week.

Councilmember Moore asked about what was going on with Umscheid Auto Works and felt that since the fence had been up for at least two (2) months, that they had been given plenty of time to move the vehicles and parts from the front and side of the building to behind the fence.

Councilmember Purvis stated that since a letter had already been sent, that something else needed to be done to move the process along.

Councilmember Moore asked Mr. Zimmerman about the wrecked car on 2<sup>nd</sup> Street. Mr. Zimmerman stated that the 30 days of observation would be up the following day and he would write it up and get the report and pictures to the city clerk on Monday along with yards that needed to be mowed.

*Library discussion:* Janet Goodenow passed along a thank you from the librarian at the mini-library for turning on the air conditioning. She stated that the bookcase was ready at the grocery store and as soon as school was out, she would be going through the donated books to stock the shelves.

*Future agenda items:* Councilmember Moore stated that he wanted the fundraiser ideas be on the June 14, 2018 agenda.

*Pool Manager:* Pool manager Amber Krohn stated that she already had 18 swim lessons and one (1) pool party booked. She also stated that the assistant manager, Joceline Eichem, had passed the WSI (Water Safety Instructor) certification.

Amber would like to purchase a different type of pool noodles this year with hopes that they would stand up to the kids' playing and "biting into them".

Councilmember Rice moved to allow Amber to purchase ten (10) pool noodles. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

## Staff Reports-

*Treasurer's Report:* There were no questions or comments regarding the treasurer's report. Councilmember Purvis moved to approve the treasurer's report. Councilmember Rice seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*Maintenance:* Maintenance Supervisor Krohn reported the following:

UTILITIES-GPS mapped all the utilities throughout the town  
Repaired a 4" water main break at 4<sup>th</sup> & Campbell

STREETS-Repaired bad areas in the street on Skene and replaced  
with rock, to be later permanently repaired with asphalt

PARKS-Mowed, spread mulch and sprayed weeds  
Watered sealed benches and picnic tables

CEMETERY-Sprayed weeds

POOL-Mowed, sprayed weeds  
Began prep to fill the pool  
Un-winterized the bath house

PLANNING/ZONING-Issued building permit for an accessory  
use building at 506 N. Walnut

MISC-Built book shelf for the free mini-library and installed at  
grocery store

Krohn also informed the council that the water leak broke at the joint and they replaced 5' of pipe. During this time, service was shut off to residents in the area and they had the break fixed within two (2) hours.

Councilmember Moore asked how Krohn knew there would need to be a boil advisory issued? Krohn responded that if the water pressure fell below a certain level it could possibly allow contamination in the water supply. He stated that neither he nor the city could issue the advisory, that it comes directly from the Kansas Department of Health and Environment (KDHE).

Mayor Goodenow relayed that when the boil advisory was lifted, the city was not informed in a timely manner, that it was on social media and a few businesses were informed several hours before the city was contacted. He requested that the city attorney write a letter to the Governor and Representatives stating the displeasure the city had to how the boil advisory being rescinded was not relayed to the city in a timely manner.

Councilmember Purvis moved to authorize the city attorney to write a letter to the Governor and Representatives regarding the delayed notification of the boil advisory being lifted to the city. Councilmember Jack seconded the motion. The motion passed five (5) ayes to zero (0) nays.

*City Clerk:* City Clerk Zentner informed the council that there had been some recent issues with the city's billing program. She stated that the auditor had observed the issues and strongly suggested the city contact the company to get the issues resolved and if they weren't resolved, for the city to consider changing companies.

Zentner had surveyed other city clerks in the state as to which program they used, if there were problems, if the company responded back quickly and how happy the clerks were with the program and company overall.

Zentner had contacted three (3) companies regarding their programs and costs associated with them. Of the three (3), one (1) no longer provided this service, one (1) did not respond and the third one (which was the company that most of the clerks used and were very pleased with) contacted Zentner and provided an over-view of their product via interactive internet with both she and the city treasurer.

Councilmember Jack moved to purchase a billing program from Jayhawk Computer Advantage and one (1) handheld plus training for a cost of \$6,373.00. Councilmember Purvis seconded the motion. The motion passed five (5) ayes to zero (0) nays.

Zentner also informed the council that the new owners of the W.O.W. newspaper had asked if the city would be willing to purchase five (5) copies of the paper each week and sell them at city hall. If the copies did not sell, the city would be out the amount of money already paid for the papers.

After some brief discussion, the council decided to decline this offer.

### **Councilmember's Reports:**

*Streets:* Councilmember Moore stated that the city would not do any chip and seal this year but would patch problem areas around town. He also stated that the parking lines on Main Street would be repainted in time for the annual Car Show and BBQ in June.

*Utilities:* Councilmember Jack reported that the sewer jetter that was recently replaced had sold for \$13,750.00. The City will receive \$12,660 which is less the 10% commission fee paid by the buyer.

*Zoning and Planning:* 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 more to report.

*Mayor:* Mayor Goodenow had nothing to report.

*City Attorney:* Attorney Watt had nothing to report.

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 (0) nays.

Mayor Goodenow declared the meeting adjourned at 8:45 PM.

Approved by the Governing Body on June 14, 2018.



Signed

Mark A. Goodenow, Mayor

Vicki B. Zentner, City Clerk